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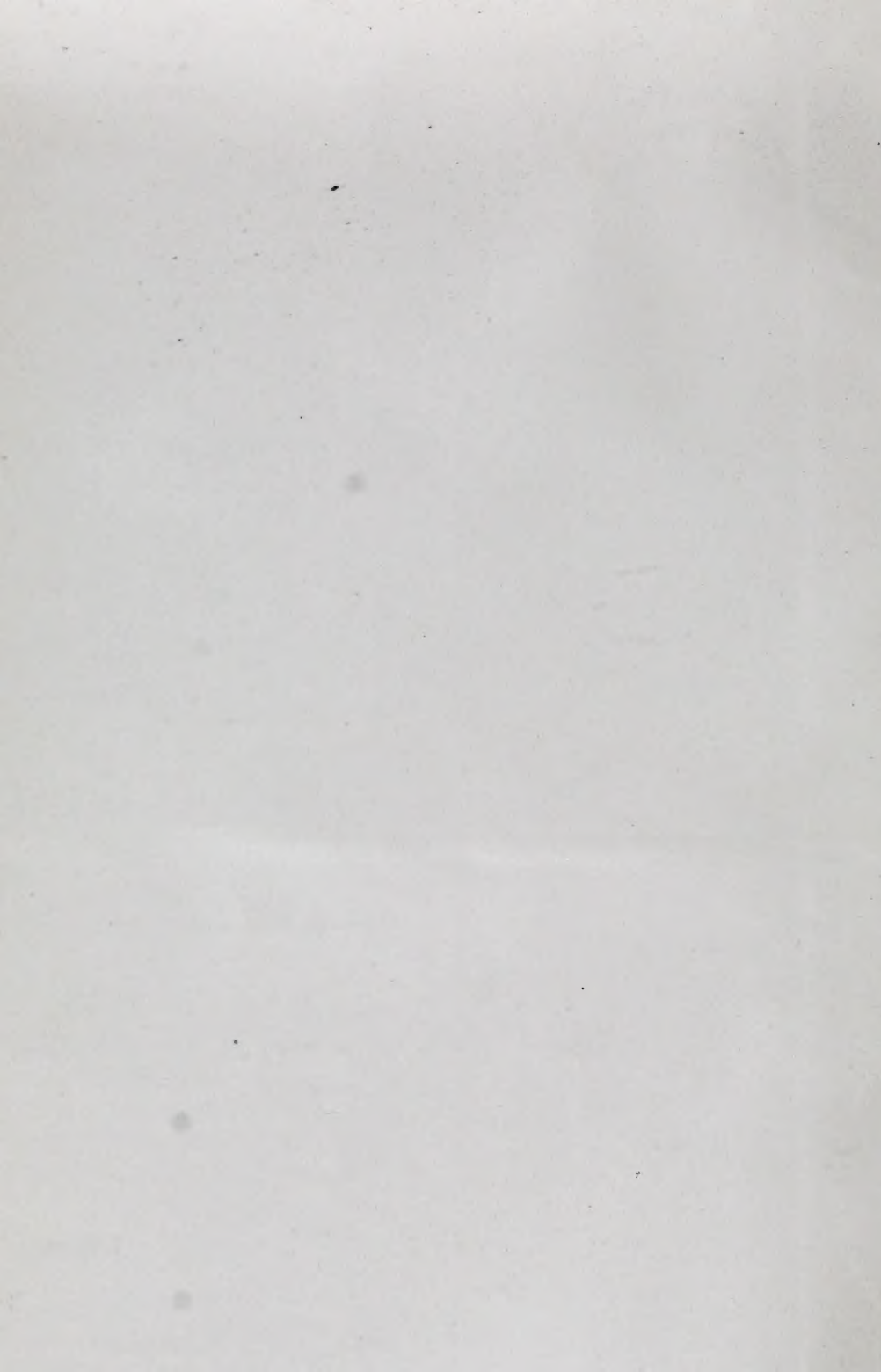
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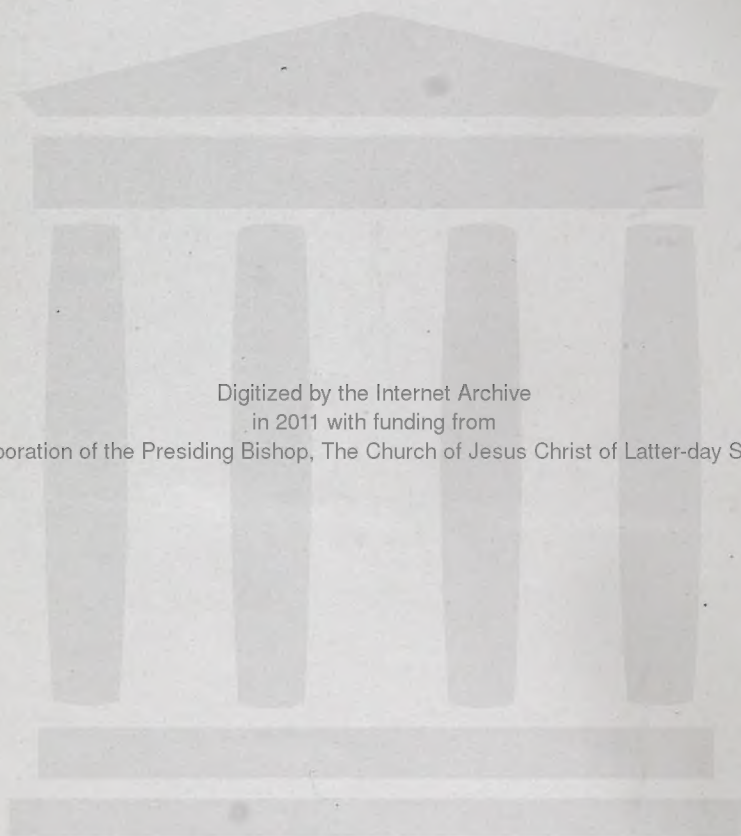
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JULY, 1913

AMERICANA

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Marye's Heights, Showing Mansion and Section of Old Stone Wall

AMERICANA

July, 1913

The Road to the Bouwerij

HISTORICALLY, CARTOGRAPHICALLY AND GENEALOGICALLY
CONSIDERED

BY HOPPER STRIKER MOTT

TRUSTEE AND TREASURER OF THE NEW YORK GENEALOGICAL AND
BIOGRAPHICAL SOCIETY AND EDITOR OF *The New York Genea-
logical and Biographical Record*.

[To be Completed in Three Parts]

PART II*

WE have now reached No. 46 on the Grim map. This number signalized the Bayard property which was divided into what was denominated the East and West farms, separated arbitrarily by Great George Street (Broadway).

It was assembled by Nicholas Bayard, son of Samuel and Anna (Stuyvesant) Bayard, who was born in Alphen, in Holland, and accompanied his widowed mother and uncle, Gov. Stuyvesant, to New Netherland in May, 1647.

In 1654 he was clerk in the Secretary's office at New Amsterdam and because, for one reason, that he possessed a knowledge of the English language, was appointed July 1st, 1657, English Secretary. On Aug. 16th, 1663, he was made Commissary of

*To appreciate this article the maps on which it is based should be at hand. They can all be found in Valentine's *Manuals* of the years indicated, to wit: Grim, 1743. 4 (1854); Holland, 1757 (1859); Ratzer, 1766-7 (1854); Ratzer, 1767 (1854); Montessor, 1775 (1855); Holland, 1776 (1863); Map of 1789 (1857); Map of 1797 (1853); Survey, 1803 (1856), and Poppleton, 1817 (1853).

Imports and Exports. (*Reg. of New Netherland*, 29, 28, 33.) In 1666, May 23rd, he allied himself in marriage with Judith Varleth, who, having resided for some time with her parents in Hartford, Connecticut, was imprisoned in 1662 on a "pretended accusation of witchery." Through the interposition of Stuyvesant she escaped her peril. He wrote to the Deputy Governor and General Court at Hartford, in October of that year, a letter in her behalf which will be found in Gerard's *Old Stadt Huys*, 47.

In 1673 Bayard was Town Clerk of New Orange as New Amsterdam was known after its recovery by the Dutch. On Aug. 20th, of the same year, he was commissioned Provincial Secretary and on Sept. 20th following, Receiver-Gen. (*Reg. N. N.*, 103, 27, 24). During this year he represented the Burghers in the conference with the Dutch Commanders. On Feb. 1st, 1674, he was appointed Commissioner to value estates in New Orange of above 1000 guilders and became a member of the Council Feb. 15th of that year. (*Ibid.* 163, 167, 23). Under the new nationality he served New York as Alderman of the South Ward, 1683 and 1684, and was Mayor 1685. As the "Dutch head of the English party" he was among the most active of Leisler's opponents and was imprisoned in the Fort by the authority of that *soi-disant* Lieut.-Governor for over a year. Upon the arrival of Gov. Sloughter in New York he was foremost in urging Leisler's execution. Tried and condemned for high treason in March, 1701, he was saved from death by an Act of the Legislature passed during Lord Cornbury's administration. While really a brewer by occupation he was from early youth an office-holder. In his will, dated May 9th, 1707, (L. 8 wills, 36) Bayard styles himself "of the City of New York Merchant" and names his wife Judy and only child Samuel, to whom he devised a large estate.

The first purchase of the land composing his farms was made from Augustyn Heermans, who in 1672 sold to said Bayard about nine acres on the West side of the Bowery Lane near Chatham Square, the history of which property as a whole has been narrated above. One hundred and thirty-five acres was acquired by grant and confirmation, June 21st, 1697, from Gov.

Fletcher of a farm called Smith Hill to the Eastward of the Fresh Water and Swamp, beginning on the highway at the North East corner of the orchard belonging to Domine Selyns. (L. 15:130.) The two plots, with some small acquisitions on the Bowery, composed the so-called East Farm.

A large tract west of Broadway, which at one time belonged to one Santome, a negro who had been freed by the West India Company, for long service, at the gradual manumission mentioned by Secretary van Tienhoven in his answer to the remonstrance from New Netherland (*Hol. Docs.* Vol. I, 425) came into Bayard's possession in 1696. Goereke's Map of 1788 shows the lay of the land bounded East by Broadway. The two farms covered the principal part of that portion of the city now bounded by the Bowery on the east, Canal Street on the south, Macdougall Street on the west and Bleecker Street on the north, embracing over sixty blocks in extent.

The Mansion House was erected about 1750 and was located on the block bounded by present Grand, Broome, Crosby and Lafayette streets. It was approached by an avenue called Bayard's lane, the entrance gate being at the Bowery Road. Broome Street following nearly the line thereof. Bayard's Mount, otherwise known as Bunker Hill, was a high eminence overlooking all the surrounding country and situated near present Grand and Centre Streets. Near the foot of this hill, on the southeasterly side was the family vault. In the march of improvements which set in here after 1790 the remains were removed, among them those of Samuel Bayard, who died "on Monday last, and the next day was decently interred in the Family vault." (*N. Y. Weekly Post Boy*, September 16, 1745). This hill is first located by name on the Loudon map of 1757 and is then called Bayard's hill. Montresor (1775) shows it as Mount Pleasant as likewise does Maj. Holland (1776). The Hills survey of 1782 gives the lines of the fortifications thereon and the plan of 1808 dubs it Bunker's Hill.

From a New York letter, dated April 12th, 1775, it is learned that this mount was covered with cedars and that in erecting "a very good and a very advantageously situated fortification" the top of it was so cut away "that there is room enough for a

house and garden." (*Mem. Hist.*, Vol. II, 490.) One-third of the citizens were ordered out to erect the new works. They began the fort on Bayard's Mount, near the Bowery and another around the hospital. "To-day," states the *Pennsylvania Journal* of March 20th, 1776, "another third is gone out. Every street in the city is to be barricaded." A letter from Jno. Varick, Jr., to Captain Richard Varick, of date April 1st, of that year, and published by the Mercantile Library Association, 1861, in *New York in the Amer. Rev.* predicts that the work on what is now "mostly termed Bunker's Hill," when finished, would be the most complete fort and would command the whole city. Its strength, however, was never tested.

At the beginning of the war Bunker Hill played a slight part in the escape of Gen. Gold S. Silliman's brigade from the lower part of the city on Sept. 15th, 1776. From mismanagement of the commanding officer these troops had not been warned in time that the British had landed at Kip's Bay and Silliman's retreat was effected almost by a miracle. Hastily rallying at Bunker Hill, under the supposition that all the avenues were in possession of the enemy, they had just determined to make a bold stand and sell their lives as dearly as they could, when Col. Aaron Burr, at this time one of the aides to Putnam, came up to extricate them from the difficulty by his superior knowledge of the country. He seems to have bravely taken the responsibility. Guiding them by a cross road from Bunker Hill to a new road recently cut through the hills on the line of Broadway he led them along the edge of a swamp to the woods on the land of Robert Murray and passing thence up the Greenwich Road, they reached the Apthorp mansion at Bloomingdale, where Washington was impatiently awaiting their arrival.

David Humphreys, one of Silliman's adjutants, wrote concerning Putnam: "I had frequent opportunities that day of beholding him, for the purpose of issuing orders and encouraging the troops, flying on his horse covered with foam, wherever his presence was most necessary. Without his extraordinary exertions, the guards must have been inevitably lost and it is probable the entire corps would have been cut to pieces. (Johnson's *Battle of Harlem Heights*, 38; Booth's *Hist.*, Vol. II, 503.)

The Daily Advertiser stated that on Sept. 25th, 1787, at eleven o'clock at night a duel was fought on the grounds near Bayard's Mount in which the noted Chevalier de Longchamps was unfortunately killed. It is said that his antagonist was a Frenchman (Capt. Verdier, late an officer in Count Pulaski's Legion) who had served in the late American Army; he had thought himself much injured by some assertions made by the Chevalier and meeting him in William Street on Tuesday (25th) afternoon, an affray took place which in the evening terminated in the melancholy catastrophe above mentioned. The gentleman who killed him has since sailed for the West Indies.

The next year, says Thomas F. de Voe, of the New York Historical Society, in his interesting *Market Book*, July 23rd, the "Great Federal Procession" took place and the march ended on this hill, where ten enormous tables laden with provisions were found ready for the use of all.

In 1795 there was a very strong feeling against John Jay, the Federal Governor, on account of his neutrality treaty with England which the Republicans looked upon as a repudiation of our country's obligations to France. The feeling ran so high that on July 20th, "a body of war-worn soldiers of the late American Army paraded the streets, bearing French and American flags, with the British flag reversed underneath them. They proceeded to Bunker Hill where they burnt a portrait of Jay, who was represented holding a balance containing American Independence and British Gold, the latter preponderating. They then gave three cheers and returned in triumph through the city about five o'clock leaving behind several Tories to snuff the ashes of the bonfire.

Exhibitions of bull-baiting, flying horses and such amusements were also held here. It was likewise the favorite place for factional fights among the street urchins, where the so-called Broadway boys and the Bowery boys had many a pitched battle, beginning with stone throwing and at close quarters the use of fists and sticks. Samuel Winship, a butcher, introduced the cruel sport of bull-baiting on Bunker's Hill. He enclosed the fortification with a high board fence and arranged seats like a circus, capable of accommodating 2000 persons, without a cover. Admission was a quarter.

The levelling of the hill was commenced in 1803, and the earth, which helped to fill in the collect pond, was removed more than fourteen feet lower than the bottom of a well which doubtless supplied the garrison quartered there in the war, when there were found therein a nine-pounder and iron hoops and such like relics. (*Cozzens' Geological Hist.*). After the hill was levelled Winship built an open arena at the North West corner of Broome and First (Chrystie) Streets, where he continued the same cruel performance for several years.

It is curious that the endeavor to obtain water should have led indirectly to the obliteration of other water, i. e. the Collect pond. Before the Revolution Augustus and Frederick van Cortlandt, who were the owners of ground on Great George Street (Broadway), expressed a willingness, July 21st, 1774, to convey to the Corporation so much thereof as should be needed for the erection of a reservoir, at £600 per acre. One and three-quarters acres were duly selected and ordered purchased, provided, that upon sinking a well thereon, the water be found of good quality. On August 25th, the water having proved wholesome, the proposal of Christopher Colles to erect such reservoir and to convey water therefrom through several of the streets, which proposition had been deferred on April 22nd, pending the purchase of the site, was accepted. On Nov. 8th, bonds of the Corporation were duly delivered, two to Augustus van Cortlandt and John Fay for £700 and one to Frederick van Cortlandt for £350, payable Nov. 15th, next, @ 5 per cent. (*Eng. Mins. C. C.*, Vol. VIII: 26, 40, 41, 47, 63).

The first progressive step toward the filling of the Collect was the extinction of Rutgers' right to the pond in 1791 for £150. A number of petitioners, among whom were Benjamin Hildreth, John de Peyster, John Franklin, Samuel Franklin, Comfort Sands and Samuel Osgood, in a memorial to the Legislature, set forth that that part of the city commonly called the Meadows, in the Fifth Ward, was full of deep sunk holes, the receptacles of water and the source of many unwholesome and noxious stenches, and that they were informed that the powers of the Corporation were not competent to grant relief. Whereupon an act was passed April 6th, 1792, (Chap. XLIX) which

empowered the Mayor, etc., by an ordinance in Common Council, to fill in and raise the level of the lots and streets in the tract bounded Northerly by Chatham Street, Southerly by the rear of the lots on the Northerly side of Cherry Street, Westerly by the rear of the lots on the Easterly side of Queen (Pearl) Street and Easterly by Catharine Street, to such height as to convey into the East River all drainage, the expense thereof to be borne by the owners of the respective lots. The same law authorized the Corporation to continue Roosevelt Street, which then ran through part of the tract, from Chatham to Cherry Streets, on a straight line to the East River and also to cause Frankfort Street to be continued to Queen.

In gradually delimiting the amount of space to be filled the order of April 22nd, 1793, for the Surveyor of the Board to make a "proper plan" of the land and meadows, with the streets which he deemed necessary marked thereon, was of value. The proposal of Messrs. Mainshin (Mangin?) & Bro. Engineers, to drain the water therefrom was referred Feb. 22nd, 1796. (*Ms. Mins. C. C.*, Vol. 11:7, 347). When the matter came up again in 1803 the piece of ground purchased for the reservoir became of use. Nothing had been done with it in the meantime. Selah Strong, the Comptroller, recommended April 4th, that, as the land lay on a high hill and could not be applied profitably in its present state, contract be entered into to remove such hill and fill in the Collect and the meadows, to the extent of between 5 and 6 acres, not only because of health considerations but that the reclaimed land may be applied to some beneficial purpose. The Board accepted the recommendation and besides voted that application be made to the van Cortlandts for the privilege of removing earth from the adjoining piece of ground which they owned and which they had offered to donate for that purpose. (*Ibid.*, Vol. 13:54).

The Street Commissioner reported April 8th, 1805, that he had filled in the "head of the Collect" with wholesome earth, but that he could not obtain sufficient at five cents per load, to which price he was limited. The limit was thereupon removed. On March 3rd, 1806, Edward Livingston and others were directed to fill in their lots adjoining the pond. (*Ibid.*, Vol.

15:169, 484). In 1807 the work was still unfinished. On Jan. 5th, the Street Commissioner and Comptroller were ordered to report the most economical way of completing it, and on March 23rd, the former was directed to cause the remainder of the earth purchased on the east side of Broadway to be removed to the Collect on the most favorable terms he could arrange. There was a set back in June when the Commissioner found it necessary to discharge laborers because they could not work to advantage until Elm Street was regulated. (*Ibid.*, Vol. 16:264, 351, 466). The contract for the regulation of that part of the street in which the Corporation was interested was entered into with Hugh Brice for \$250 on Sept. 7th of that year, and it was further resolved that whoever delivered earth at the Collect should be paid therefor at five cents a load. (*Ibid.*, Vol. 17:208). Cornelius Howard of Baltimore, Md., Eli Whitney of New Haven, Conn., and Robert Fulton of New York were appointed Commissioners by Chap. CCXII, passed June 19th, 1812, to determine the best method of disposing of the waters of the Collect and Lispenard Meadows by way of Canal Street, as doubt had been entertained as to the practicability of carrying off by said street all the waters expected of that method. Power was given them to enter upon the grounds and those adjacent thereto and to employ engineers, surveyors, etc., to take such measures as they might deem proper to perform the task. Under their guidance this "shocking hole, where all impure things centered together and engendered the worst of unwholesome productions" was finally disposed of. As we view it at this day it is indeed a pity that this once beautiful spot was not preserved to be the nucleus of a park, for the Collect was a sparkling lake fed by springs of great reputed purity, was long a famous fishing and skating ground and ministered to the pleasures of the New York of yesterday. Eleven years before the "Clermont" was launched John Fitch propelled (1796) a steamboat on its surface.

The next map in chronological order on which the names appear is the Holland plan of 1757. The only habitation located thereon which has not been heretofore treated is that of Somerindyke. This John Somerindyke was a tenant of Lieut.-Gov. de

Lancey, his holding adjoining the latter's country seat on the south. At the sale under forfeiture of this estate after the Revolution Somerindyke purchased a plot thereof at the junction of the Bowery and Division Street and a large farm in Bloomingdale.

This would be a seemly place to indite the names of some other of his tenants. Capt. Joshua Pell had occupied a farm on the east side of the Bowery Lane, near the one mile stone. As he had undertaken to go to Nova Scotia it fell idle and was advertised for hire on February 6th, 1782. (*Royal Gazette*). A number of lessees whose terms had expired or were about to do so, were named in an advertisement in the same journal of date July 20th, 1782, viz: Christopher Francis, John George Cook, George Cline, Samuel Falkenhaur, David Hartman, Mathew Morrel, Peter Cheppel, Philip Lydick, Martin Shaffer, John Henry Tier and Frederick Dietz, the leases of all whom were to expire on August 1st; Henry Crow on August 6th, and Henry Boushart on the 12th. The occupation of Thomas Ives had expired on May 1st, 1780, and that of Gideon Christang on May 1st, 1781. These properties were on the east side of the lane. The leases contained a clause granting ten days after their expiration to remove the buildings. These lots would be either sold or leased. Four lots, with a good double house of stone and brick and one small house of timber, situate next to the buildings of Francis Sawyer at the beginning of the lane were for sale and also four lots with wooden building, containing four rooms, at No. 69. Apply to George Stanton, attorney to James de Lancey.

Then follows the survey by Lieutenant Ratzer, 1766-7. Only three names are added to those above mentioned as owners of land on the Bowery, viz: (1) Dyckman, (2) Herrin and (3) Elliott.

(1) It was only about two years prior to this survey that John Dikeman acquired his farm of 18 acres. This property was owned by Robert Benson at the date of conveyance, whose widow Catharine, in conjunction with Robert Benson, her son, transferred it to said Dikeman (Dyckman) Feb. 28th, 1764, (L. 36:547) for a consideration of £1,800.

Robert Benson, Sr., himself the son of Robert, born in 1715, was a brewer and married, 1738, Catharine, daughter of Egbert van Borsum. He served as a member of the Common Council from 1740 to 1754 and died in 1762. His son Robert, born Oct. 30th, 1739, was Assistant Alderman 1766-68, aide-de-camp to Gov. George Clinton in the Revolution, Clerk of the State Senate and later Clerk of the New York Common Council. He followed the same occupation as his father and died Feb. 25th, 1823. (Riker's *Harlem*, 428).

The above property was conveyed by this description: All that farm or plantation in the Outward beginning on the West Side of the King's Highway that leads to Haarlem at the division line between the land now or late of Cornelius Wortendick and the land herein granted and running from thence along the said King's Highway N 20° 30' E 5 ch. 53 l. to the division line of this tract of land and the land of Nicholas Bayard, thence running along the land of said Bayard N 61° 30' W 5 ch., thence N 78° W 4 ch., thence N 66° W 7 ch. 70 l., thence N 39° W 5 ch. 41 l. to the North West corner thereof, thence S 55° 30' W 8 ch. 52 l. to the South West corner, thence S 67° E 3 ch. 24 l., thence S 72° E 2 ch. 34 l., thence S 52° E 63 l., thence S 30° 30' E 4 ch., thence S 27° 30' 4 ch. 70 l., thence S 25° 30' E 1 ch. 80 l. to the South West corner of the said land now or late of the aforesaid Cornelius Wortendike, thence along the rear of the said Wortendike's land N 28° 30' E 6 ch. 30 l., to the North West corner of said Wortendike's land, thence running along the North East side of said Wortendike's land S 65° 30' E 9 ch. 75 l. to the Highway, the place where it began; together with the houses, barns, stables, orchards, gardens, fences, trees, woods, underwoods, etc., thereon situated.

This Dikeman came of the Bloomingdale family (as distinguished from that of Kingsbridge,) which descended from Johannes who came out in 1651 as Clerk to the West India Company and later became Commissary at Fort Orange (Albany). John Dikeman of the Bowery was the son of George³ (Johannes,¹ Cornelis²) and was born 1728. He was a baker by trade and had a wife Rebecca, the daughter of Jan Buys. An Alderman of the Outward from 1769 to 1773 (Riker's *Harlem*, 545-6) he

died seized of the above premises in 1793 leaving a will dated May 23rd, 1786 (L. 41:188) by which he devised all his real estate to his wife until his youngest son, John, should attain the age of twenty-one, at which time the property was to be divided among his five children, viz: Teunis Eidesse, Matthew, John, Catharine who married Peter Grim Jr. in 1780 and Rebecca, share and share alike. John Dikeman Jr. became of age July 30th, 1793, whereupon partition was made and map drawn by Casimir T. Goerck, July 26th, of that year. Lot No. 3 of the farm was conveyed to said John by Teunis E. and Elizabeth his wife, Matthew, Peter Grim and Katharine his wife and John Vreelandt and Rebecca his wife by deed dated Sept. 11th, 1793, for an expressed consideration of ten shillings. (L. 52:27). Grim made a second map of his share, (No. 1) Feb. 12th, 1795, which divided it into city lots. In L. 49:250 is recorded the deed from the heirs to said Grim of even date with that to John Dikeman and for the same consideration. By his will dated Oct. 14th, 1795 (L. 42:49) he nominated his widow, Cathalina, sole executrix and residuary devisee, who conveyed said lot No. 1, May 19th, 1796, to David Grim; consideration £2500. (L. 135:539) Rebecca, the widow of John Dikeman, released her dower to him the following day. (L. 54:255).

(2) Among the free negroes to whom Stuyvesant granted land, during the years 1659 and 1660, was Solomon Pieters. He obtained a plot on the West side of the Bouwerij Lane, "along the wagon path, 22 rods [275 feet]; South side 63 rods; West side 19 rods, North by Otto Grim 46 rods, "which land was confirmed unto him by Gov. Nicolls in October, 1667. (L. 2:119-132) Hoffman states that Elbert Herring was the owner in 1754. (*vide* map Vol. II, opp. p. 190) This plot is that which Ratzler in 1767 marks as belonging to Herring and is that with which we are concerned. He died in the early part of December 1773 seized of this property and leaving ten children. His will (L. 29:27) authorized his executors to sell. Accordingly they conveyed April 30th, 1784 (L. 41:193) the whole farm, with the exception of ten small lots lying on the road leading to Greenwich, to Abraham Herring for a consideration of £7515. This land was included. A map of the farm was made by David

Haring, May 6th, 1784, showing it divided into larger plots, intersected by roads. (Filed July 30, 1828 in Register's Office by No. 105) The Bowery property comprised lots 1, 2, 3, 4, 5 thereon and extended from the Lane to Great George Street (Broadway).

Under agreement between the heirs then existing, viz: Nicholas Herring, Abraham Herring, Samuel Jones and Cornelia (Herring) his wife, John de Peyster and Elizabeth (Herring) his wife, Samuel Kip and Annatje (Herring) his wife, John Haring and Mary (Herring) his wife and Gardiner Jones and Sarah (Herring) his wife, dated May 8th, 1784 (L. 41:200), which agreement recited that the farm then belonged to them and they had decided to divide the same according to their rights, said farm was partitioned. Lots were conveyed as follows: No. 1 to Nicholas Herring, (L. 41:149); No. 2 to John Haring, (L. 42:192); No. 3 to Gardiner Jones and Sarah his wife (L. 42:96, 99); 4 to Samuel Kip, (L. 42:93) and No. 5 to Samuel Jones. (L. 41:367) The Haring map, (No. 105), gives lot No. 2 to Mary Haring which is wrong. Mary was the wife of said John to whom it was conveyed.

(3) Part of the Elliott property, that which fronted on the Bowery, was granted by Stuyvesant, April 7th, 1664 to Peter Stoutenburgh and comprised some eight acres. The description bounded it to the West of the great highway; to the North of Cosyne Gerritse; to the South of Direk Michaels; in breadth 24 rods; then a line running North West and by West and West North West and between both in length one hundred rods and the other side North West and by West one hundred and thirteen rods. In the confirmation by Nicolls, dated September 3rd, 1667, an error was made in stating that the land comprised thirteen acres. The Gerritse confirmation May 26th, 1668, of his land "lying near Mynheer Stuyvesant's Bouwerie, on the West side of the great highway" shows that it was composed of about five acres. This deed locates it on the North side of the Negroes' lot, on the South side of Peter Stoutenburgh and "abutting on the West with a way that is by a certain swamp," together with a house and garden. This "way" was old Greenwich Lane, thus crossing Broadway and Waverly Place between 5th and 6th

Avenues, to quote Berthold Fernow, the compiler of the minutes of the Dutch Court. In 1722, part of the above property became vested by deed from Mathias Hoppe in Richard Perro, whose heirs Jan. 19th, 1754 conveyed it to Jellis Mandeville (L. 37:66) as located between the lands formally granted to Solomon Pieters (now of Elbert Herring) and to Francisco Cartagena, another of the free negroes mentioned above, with a breadth on Bowery Lane of $27\frac{1}{2}$ rods. The heirs and devisees of said Perro conveyed their interest therein to Andrew Elliott, Aug. 18th, 1767, bounding it East by land of Asie Ryckman, North by other land of Andrew Elliott, West by Minetta water and South by the road leading to Greenwich. (L. 38) This became the property of the Sailor's Snug Harbor.

The land that Ryckman owned lay South of this road which led from Bowery Lane and later was known as Art Street. Its early history is as follows: We find by a conveyance recorded in L. 33:65, that John Rykeman purchased of Dirck Dey "all that messuage, tenement, house and parcel of land situated at a place called the Bowery, in the Outward, being bounded South by the lands of Giles Shelley, on the East by a certain swamp and the land of Jan Herring, on the North by the land of Mrs. Cortlandt and Maritie Solomons and on the West by the highway, containing fifteen acres of land." Adriaen van Schaick and Rebecca, his deceased wife, had been for "upwards one and twenty years in a Peaceable and Quiet Possession and Seizin" of this property, according to the recitation in this indenture. By a deed of partition, made by Jacob Harsen, Henry Brevoort and David Mann, commissioners in partition, said fifteen acres were divided among Rykeman's heirs.

It would appear that the same land, by the same description, was conveyed to Matthys Hoppe of the Great Kill in the Outward Jan. 24th, 1714/15, recorded Jan. 2nd 1728 at the request of Peter Rutgers for said grantee. (L. 31:211) Garret Onckelbagh, Goldsmith, of the City of New York was the grantor and the consideration expressed £250, current money of the Province. Hoppe was the youngest son of Andries Hoppe who came from Holland and settled in New Amsterdam in 1652. He had bought "the Great Kill Farm" (at the outlet of that stream, foot of

44th, Street, North River) in 1714 and the farm at Bloomingdale the same year. In order to fit the English pronunciation the letter "r" was added to the name by the fourth generation and the cognomen has remained Hopper thereafter.

As above mentioned Richard Perro, an Englishman, whose name was also spelled Perrow, then a resident of New Barbadoes in West Jersey, took title to these fifteen acres on May 29th, 1722 (L. 30:263) from Hoppe "of the Groat Kill," for £250 by this description: "all that a certain Messuage, Tenement House and Parcell of Land Scituate, laying and being at a place called the Bowery in the Outward, adjoining and being bound on the southside by the land of Gilos Shallooy, late deceased and on the East side by a Certain Swamp and the Land of Jan Pretosge. Having on the northside to the land of Mrs. Cortlandt and Maritie Solomons and on the West by the Highway."

Perrow died in June 1754. In his will, bearing date July 5th, 1736, he denominated himself "of the Bowery near the City of New York, mariner" and devised all houses and lands to his wife Katie and his children John, Ann Elizabeth and one unborn. (L. 18 wills, 424) Witnessed by Gerardus Stuyvesant, Elizabeth Ustick and Edward Pennant. He located the homestead and land on the West side of Bowery Lane, and the South side of Astor Place, which was the road leading from said lane over the sand hills to Greenwich. In the *Calendar of Wills*. Fernow, 296, Perrow's will is entered. There he stated that he was of the Boore near New York City and a miner, about going to the Island of Jamaica. Miner should evidently read mariner. This property was divided among the five children by deed of partition dated Dec. 5th, 1767, recorded May 17th, 1822. John Perro and others, devisees of said Richard, conveyed one portion thereof Oct. 10th, of that year to A. Ryckman and Rachel his wife a daughter and devisee. Another daughter, Gertrude, who was born in the homestead Feb. 28th 1757, married March 23rd, 1775, Samuel Edsall and on his death married (2) at New York, March 23rd, 1783 John Vark, a native of Weimer in Upper Saxony June 18th, 1760, of whom more anon.

In the partition deed of the Perrow property the Sandy Hill

Road is referred to as Greenwich Lane. This was opened from the Bowery for the convenience of the public by Rykeman and Perrow, each giving one half of the land required therefor. A cherry tree which stood on the division line had to be sacrificed and from its wood various articles were fashioned as mementoes. In time that part of the road West of Broadway was closed and that part between Broadway and the Bowery was widened and called Art Street, and when further widened, Astor Place. John Vark built his homestead, corner of the Bowery (now Fourth Avenue) and Art Street (Astor Place) on a part of the land which came to his wife by descent. Lafayette Place was afterward opened through it. Cooper Union stands directly opposite to where the old homestead stood, the site of which is occupied by the Brokaw clothing store. John Vark and Gertrude Rykeman, his wife, had seven children, some of whom were Aaron, the eldest, born Jan. 11th, 1784, died at Yonkers Jan. 17th, 1855; Rachel, born Dec. 29th, 1788, died Aug. 17th, 1860, unmarried; Eliza, the youngest, born Jan. 26th, 1799 married John Raynor, a merchant in New York and had one daughter Gertrude, who in turn had two children Helen F., married Edward M. Deering of Philadelphia and Henry V., who married Anne Adriance; Gertrude Vark, born July 27th, 1796, married Nov. 12th, 1817 Dr. John Jarvis Ingersoll, born 1792, graduated at Yale 1814, died Nov. 12th, 1830. Their daughter Hannah Jarvis Ingersoll, born Oct. 14th, 1820, married Sept. 2nd, 1840, Horatio P. Allen, lawyer, born August 23rd, 1809 at Fort Plain Montgomery Co. New York. His twin brother Augustus L. Allen married her youngest sister Elizabeth Seymour Ingersoll, born Feb. 24th, 1824, married Dec. 20th, 1843, who inherited an arm chair which was made of the cherry tree above mentioned. (*Brief History of the family of Nathan Allen &c. Augustus L. Allen 1895*).

Lieut. Ratzer's survey of 1767 makes an error in applying the name "Duycking" (Duyckinck) to the property marked on the survey of the previous year "Dyckman" (*vide ante*). It locates the de Peyster property immediately opposite and just North of the de Lancey tract. Isaac de Peyster, the father of the owner thereof, was the fifth child of Johannes, the pioneer, and his

wife Cornelia Lubberts, both of Haarlem, Holland. He was baptized in the New Amsterdam Dutch Church April 16th, 1662. There does not seem to be much to glean concerning him. His brother overshadowed him in position and popularity. Those "authorities" which state that he served in the Provincial Assembly and as Assistant Alderman have mistaken him for his son of the same name. He married Dec. 27th, 1687 Maria van Balen [van Baal], daughter of Jan Hendrickse and Helena (Teller) van Baal of Albany. (*N. Y. Genl. & Biog. Record*, July 1878) Their ten children were baptized in the above mentioned church. On Oct. 20th, 1691 it was reported that his lot, which lay between the "City Hall and the Bridge," had not been filled in as required by order of the Common Council. (*Mins. C. C. Vol. I:251*) He was admitted a freeman of the city in 1698. (*Mem. Hist.* Vol. II; 205; Vol. IV:546) and was listed as a merchant and a voter in the South Ward September 29th, 1701 (*Mins. C. C. Vol. 2:164*) He signed a petition with others to the Gouvernor-in-Council to prevent the further letting to farm of the ten lots on the West side of the Dock and Weigh House (*Ibid*, Vol. 3:345). The list as published in the *Hol. Soc. Year Book*, 1899, 159, states that he was buried in the Dutch Church Jan. 27th, 1728.

The land which Isaac de Peyster Jr. acquired on the Bowery was owned previously by Thomas Ackers (L. 32:489) and became a part of the Minthorne tract. How the latter family got title does not appear. Philip Minthorne died prior to the year 1765. His will dated Aug. 18th, 1732 is found in L. 19 Wills, 382. Therein he bequeathed to his sisters certain tan-yards at the Fresh Water and all the rest of his property to his wife Johanna during life provided she remained unmarried. In the event of her marriage she received one third of the real and personal estate in fee, the residue to his children Philip, Hannah, Hellegenda, Margaret and such other children as he should have by his said wife, all in fee. Only two of the children named in this will appear to have shared with his later born children in the division of his estate, which took place shortly after his death, unless the daughters called Helligenda and Johanna in the will should be supposed the same with Hilah and Hannah in

the partition deed. This will however was executed twenty-four years before his death and the partition deed which follows expressly recites that the Minthornes and wives of the other parties were all his children and devisees. His widow Johanna executed a release to the devisees which is referred to in the said deed, as dated Oct. 29th, 1765 but appears not to have been put of record.

The deed bore date of Oct. 30th, of that year (L. 37:448) the parties thereto being, Philip Minthorne farmer of the first part, Viert Banta house carpenter and Hannah his wife of the second part, Abraham Cock cooper and Hilah his wife of the third part, Nicholas Romaine house carpenter and Margaret his wife of the fourth part, Samuel Hallet house carpenter and Sarah his wife of the fifth part, Paulus Banta house carpenter and Frankie his wife of the sixth part, Mangle Minthorne cooper of the seventh, John Minthorne cooper of the eighth and Henry Minthorne tinman of the ninth parts respectively, which said Philip Minthorne, Hannah Banta, Hilah Cock, Margaret Roumaine, Sarah Hallet, Frankie Banta, and Mangle, John, and Henry Minthorne are the children and devisees of said Philip, deceased. The deed recites the seizen of said Philip of "a certain farm or plantation situate, lying and being in the Outward &c. bounded Northerly partly by the land of Jacobus Quick and others and partly by land of Col. Stuyvesant, Westerly by the Public Road westwardly to the land of Isaac de Peyster, southerly partly by land of Capt. de Lancey and partly by land of Col. Stuyvesant and on the east partly by the land of Col. Stuyvesant as by the map or chart hereto annexed may more fully appear, on which farm or plantation the said Philip Minthorne lived and died." And further recites that the parties by virtue of the will of said Minthorne and release from his widow are seized of said farm as tenants in common and have agreed to make partition thereof; that they caused a map to be made dividing the same into 27 lots (L. 42:370) and that the farm had been allotted as follows: To Philip Minthorne lot No. 3, Hannah Banta No. 2, Hilah Cock No. 9, Margaret Romaine No. 1, Sarah Hallet No. 4, Frankie Banta No. 5, Mangle Minthorne No. 7, John Minthorne No. 8 and Henry Minthorne No. 6.

The deed conveys and confirms unto each party in severalty the lots that fell to their share and covenants to reimburse in case either party suffer by defect of title or boundry. Henry Minthorne was not of age at the date of this partition. When he did arrive at that age he confirmed the same by deed dated Jan. 16th, 1768. (L. 50:366).

Philip Minthorne of the Township of Harrington, Bergen County, New Jersey conveyed his lot (No. 3) Nov. 18th, 1794, consideration £2150 (L. 50:372) to Benjamin S. Judah of New York City. At this date Judah was unmarried. In a deed to John Israel, Israel Israel and Aaron Judah, trustees, dated Feb. 10th, 1803 he recited his contemplated marriage to Elizabeth Israel and on Feb. 22nd, 1810 (L. 22:32) mortgaged one half of said lot to William Hillyer for \$6000. On foreclosure Henry S. Dodge, Master-in-Chancery, conveyed said undivided one half to said Hillyer on March 17th, 1815. Consideration \$4500. (L. 108:596) Hillyer died 1821, seized of the premises and leaving a widow Mary and John, Nathaniel, Abraham T., Simon and Jane, later the wife of Peter Palmer, his children and only heirs at law. Benjamin S. Judah died Dec. 24th, 1831. The Hillyer property was partitioned in the action of John Hillyer and Abraham T. Hillyer vs. Mary Hillyer, Peter Palmer and Jane his wife, Jane Hillyer, John B. Hillyer, Maria Hillyer wife of Stephen J. Emmons, William Hillyer, Carey Judah, Amelia Judah, Rebecca Judah, Bella Judah, Frances Judah, Rachel Judah, Naphtali Judah, Uriah Judah, De Witt Clinton Judah, and Riche (otherwise called Anna) Judah, at a Court of Chancery held at Albany Jan. 31st, 1832. Sale took place at auction on March 23rd, at the Merchant's Exchange, New York City, under the direction of Aaron Ogden Dayton, Master, James Blecker & Sons, auctioneers.

John Hillyer Sr., the brother of William the mortgagee, was the first "Keeper" of the ferry to Nutten (Governors) Island, which ferry was established by ordinance passed April 21st, 1794 (*Ms. Mins. C. C.* Vol. 11:118) The Committee of the Board appointed to undertake the starting of this enterprise arranged with Hillyer to assume charge thereof for one year from May 1st, 1794. His contract obliged him to provide a sufficient num-

ber of boats to carry passengers the compensation for each customer to be three pence. He was granted the exclusive privilege of running a ferry and required to carry all "fatigue parties" gratis and to keep in repair the ferry stairs. (*Ibid*, 120) *Vide* Hillyer map L. 285:236, also survey by Edward Doughty, Nov. 26th, 1827, copy attached to Master's deed April 17th, 1832, (L. 288:411) between Aaron Ogden Dayton and William Moore.

The site of the Minthorne residence was at the Southeast corner of Third Street and the Bowery and is located in the Poppleton map of 1817. Mangle Minthorne and others petitioned Feb. 14th, 1787 that "the street or Bowery road Highway" in front of their respective lots be regulated. This was referred to the Alderman and Assistant Alderman of the Ward. (*Ms. Mins. Com. Counc.* Vol. 8:530) Minthorne Street was laid out by Alderman Minthorne to Orchard Street, free of expense. (*Ibid.*, Vol. 15:426).

Com. Adv., Friday March 6th, 1829. The sale of the real estate belonging to Mangle Minthorne, dec'd, was commenced on Tuesday at the Merchant's Exchange by James Bleecker, Auct. and concluded yesterday. 220 lots were offered all of which were disposed of except the family mansion of the widow, the residence of one of his daughters, the lady of the late Vice President Tompkins and seven lots which were disposed of at private sale. The following is the result:

On the Bowery.

2 lots between 2nd, and 3rd, Streets	\$6,900
7 lots between 3rd, and 4th, Streets	\$23,150

On 3rd, Street.

South side, 12 lots between the Bowery and 2nd, Ave..	\$10,860
18 lots between 1st, and 2nd, Avenues.....	\$17,080
North side, 13 lots between Bowery and 2nd, Ave.....	\$17,200
18 lots between 1st, and 2nd, Avenues.....	\$16,930

On 4th, Street.

South side, 14 lots between Bowery and 2nd, Ave.....	\$17,210
18 lots between 1st, and 2nd, Avenues.....	\$15,720
North side, 5 lots between Bowery and 2nd, Avenue..	\$6,025
18 lots between 1st, and 2nd, Aves.....	\$16,330

On 5th Street.

North side, 18 lots between 1st, and 2nd, Avenues.....	\$15,050
South side, 5 lots between 1st, and 2nd, Avenues.....	\$4,690

On 2nd, Avenue.

West side, 3 lots between 2nd, and 3rd, Streets.....	\$3,425
8 lots between 3rd, and 4th, Streets.....	\$12,350
4 lots between 4th, and 5th, Streets.....	\$5,900
East side, 5 lots between 2nd, and 3rd, Streets.....	\$7,185
8 lots between 3rd, and 4th, Streets.....	\$11,225
8 lots between 4th, and 5th Streets.....	\$10,255

On 1st, Avenue.

West side, 4 lots between 2nd, and 3rd, Streets.....	\$5,400
8 lots between 3rd, and 4th, Streets.....	\$11,025
8 lots between 4th, and 5th, Streets.....	\$9,940
4 lots between 5th, and 6th, Streets.....	\$4,750
East side, 1 lot corner of 3rd, Street.....	\$1,625
2 lots between 3rd, and 4th, Streets.....	\$1,720

\$251,945

What is known concerning the opening of streets through these old farms is epitomized in the statement that this improvement was effected before the Revolution. The word "improvement," generally used in this connection is a jocular term, meaning, in most cases, especially when such work is undertaken by the Corporation, the authorization thereof far in advance of necessity and for the benefit of contractors rather than owners. In this category can hardly be placed the projection in 1750 of streets through the former Minthorne tract, "a little to the northward of the fresh water." We find a conveyance dated in 1763 from John Kingston and Rebecca his wife and James Reade and Jane his wife of the beds of certain streets through their land, part of the above tract. The release ran to the Corporation and a map thereof made by Lawrence Letelier, city surveyor, was ordered recorded in the Book of City Grants. (*Mins. C. C.*, Vol. VI:321) The streets so acquired were directed to be regulated and paved August 15th, of that year. (*Ibid.* 336) Cross, Orange, Mulberry and Mott Streets were laid out

and are shown on the Ratzer maps (1766-7). The former is now known as Park Street. It carried other designations such as George and King Streets and Potbaker's Hill, (Posts' *Old Roads &c.*) for thereon was situated the pot-baker's house which belonged to the Corporation. It was located near the negroes' burial ground. Henry van Vlack, a merchant, having applied to the city authorities to lease it, a committee was appointed Oct. 30th, 1760 to treat with him. He attended the Common Council on Dec. 10th, and proposed to lease three lots on behalf of his sisters Sarah and Eve van Vlack, whose father had taken possession of this property, had built a potting house oven and sunk a well. After due consideration an agreement was reached, in which Henry van Vlack acquiesced, that the said lots be leased to his sisters for nineteen years and six months from Nov. 1st, last at the yearly rental of 40 shillings for each lot, which said lots were each 25 by 100 feet in size, English measure. The clerk was directed to draft a lease therefor. (*Mins. C. C.*, Vol. VI., 228, 238) *Vide* map 1797 for location Potter's Hill.

Orange a name dear to the Netherland pioneers wherever they had planted the ensign of Orange, white and blue, to the cry of *orange boven!* was changed to Baxter Street in honor of Major General Henry Baxter, one of the heroes of Fredericksburg, who was shot through the lungs there, was again wounded at Antietam and a third time in the Wilderness. On June 16th, 1794 a petition for opening and continuing Orange and Cross Streets to Chatham Street was referred to the Alderman and the Assistant of the Ward to report. A committee recommended, Oct. 20th, of that year that twenty two feet in breadth of the lot of Gerardus Hardenbrook be taken to continue Orange Street to Chatham. On Dec. 29th, the Board ordered the clerk to notify Edward Livingston and others interested in the opening of Orange Street that the jury had assessed the damage and recompense due to said Hardenbrook for the part of his lot taken at £1,000. and that if they were not present on the following Monday to make payments of such assessment to said Har-

reported and confirmed June 8th, 1795, beginning at the present Kennel (i. e. gutter) on the west side of Chatham Street and thence descending to the intersection of Mary Street, 1 11/100 inches in every ten feet to discharge the water going down said Orange Street into the Fresh Water Pond. The ordinance to carry out this plan was passed July 13th., (*Ms. Mins. Com. Counc.*, Vol. 11:132, 175, 190, 241, 264) Mary, Catherine and Elizabeth Streets bore the names of the women of the Bayard family, Mary being the northern extension of Orange and Catharine that of Mulberry.

Mulberry and Mott carried those names only as far as Bayard Street; North thereof they were known as Rynders and Winne respectively. The writer has seen it stated that Mott Street, below Bayard, received its name in honor of Dr. Henry Mott, the father of the famous surgeon Dr. Valentine Mott, it being the only street bearing the name of a physician. This is manifestly impossible because the name appears on the Ratzer maps in 1766 at which time he was but nine years old and had not yet come to New York from Glen Cove, Long Island, his home. The Rev. Edmond Mott, the only man of note bearing the name, was chaplain of his Majesty's forces at New York, but he died in 1704, and it is improbable the street was named for him. The earliest map that lays down the streets at this point is that of Ratzer. It is therefore impossible to fix the date of their projection and naming. Some of those who consider themselves street-wise claim that this street is a memorial of Joseph Mott, a butcher and that Pell Street immortalizes the name of John Pell, his apprentice. And the applicability of this suggestion lies in the fact that such individuals really existed. Edward Doubleday Harris Esq., of this city, who has, for years, made a study of the Mott lineage, is of the opinion that this Joseph was not connected with the provincial family which settled in New Amsterdam prior to 1642 and to which Dr. Valentine and the writer belong. Evidently he was an Englishman of much later origin.

Mott married Lydia Cyrus, spinster, by license dated Oct. 30th, 1783. The following year he signed the petition to remove the public slaughter house which stood upon a part of the Bay-

ard farm, because of its dirty condition. As a result Nicholas Bayard offered, June 23rd, 1784, to sell the material of which the house was composed. Appraisement of its value was authorized as was an application to the Committee of Forfeiture for about three acres of land at Corlear's Hook, said to be in the possession of John de Lancey, to be used for the purpose. James Blanchard proposed to undertake the removal or the rebuilding and a committee of the Common Council was appointed to confer with him. It was instructed to offer him a lease for six years with the right of charging one shilling and sixpence for each beast slaughtered, provided he erected without delay a sufficient house at the Hook, in every respect equal to the present one at Fresh Water and purchased of Bayard the old materials at the appraised value. (*Ms. Mins. C. C.* Vol. 8:104, 111, 118) The removal was accordingly accomplished, the drippings from the former house having polluted the waters of the Collect to the annoyance of the neighborhood and the unhealthfulness of the city.

On Nov. 7th, 1787 Mott bought two lots, 50x100, from said Bayard, bounded south by Hester and west by Catharine Street, for £42. and here he lived (L. 46:315) He had, however, on Nov. 19th, 1784 purchased of Jacob Bushart and Agnes, his wife, a house and two acres of land in the Outward on the Kings Bridge Road for £725. (L. 42:111) Just when he removed there is uncertain. He kept an inn and Mrs. Booth's *History &c.* Vol. II, 501, stated that, on the 15th of Sept. 1775, Washington was at Mott's Tavern at the corner of 143rd, Street and Eighth Avenue, before he resided at the Roger Morris Mansion. Mrs. Greatorex's *From the Battery to Bloomingdale*, 107, adds that: "After the battle of Long Island, when Washington withdrew his forces, he halted first at the Murray house, next at Mott's Tavern and then at the Morris house at Bloomingdale, now Washington Heights." Mott sold eight acres "on the east side of the Bloomingdale Road," Dec. 5th, 1805, to Charles Smyth, of New York, for six thousand dollars. (L. 72:89) The Kings Bridge and Bloomingdale Roads merged at 147th, Street and 8th, Avenue. In comparing the Commissioners' map of 1807 with the above conveyances it seems likely that the eight acres

had grown from the original two and extended between the two thoroughfares. The tavern is located on the former road where 141st, Street would cross it. As this map was based on an actual survey it is conclusive evidence. When Mott sold the property in 1805 the tavern was taken by W. Renshaw and opened under the title of The Pilgrim Inn. He announced in the *Commercial Advertiser* of Sept. 29th, of that year that he had furnished it with good beds, wines and liquors, and "all kinds of provender for horses," and begged to solicit the favor of his friends and the public in general. Breakfasts, Dinners and suppers would be furnished on the shortest notice and in agreeable style. The house was located near the nine mile stone.

George Tappen bought of Mott the Hester Street property, April 27th, 1804 for \$1500. (L. 67:56) This death notice appeared in the *Long Island Star*, Jan. 8, 1817: "Mrs. Lydia Mott, aged 59, wife of Mr. Joseph of Haerlem." John Pell's stall in the Fly Market in 1801-1821 was No. 70. In 1824 this famous landmark went out of existence. Those stall-holders who bought their places from the Corporation in 1796 were compensated and Pell received for his interest \$855.90. (*The Market Book*).

The Common Council had a petition before it on March 15th, 1786 signed by Daniel Dunscomb and others praying that a committee be appointed to regulate Mulberry and Mott Streets. Whereupon the Aldermen and Assistants of the Outward and Montgomerie Ward were named. (*Ms. Mins. C. C.*, Vol. 8:399) On June 28th, of the same year Obadiah Wells and others again petitioned in favor of Mulberry Street. (*Ibid.* 435) The survey of the Bowery Road, Bayard, Mulberry and Mott Streets, as they would be affected by the regulation of Chatham Street, was approved, (*Ibid.* Vol. 9:263) August 26th, 1789, and on September 8th, 1795 a petition for digging out Mott Street was referred to the Street Committee. (*Ibid.* Vol. 11:283) July 15th, 1805 the Street Commissioner was authorized to number the houses in Mott and Bayard Streets as he thought proper. (*Ibid.* Vol. 15:296).

A careful and intensive search has failed to reveal a public

authorization of the change of name of Winne Street to Mott. It was so changed at some date between April and June 1805 for Winne Street was ordered regulated on April 18th. (*Ibid.* Vol. 15:180) and Mott Street residents were noted as delinquent, June 17th, in paying the assessment for regulating it between Bayard and Hester Streets. (*Ibid.* 244) The Street Commissioner presented returns made by John Bussing, late collector of delinquents on assessments, for regulating Mott from Grand to Prince Streets, August 13th, 1807, whereupon warrants issued. (*Ibid.* Vol. 17:200) On Nov. 6th, 1809 the Board ordered the Commissioner to take immediate measures for opening Mott Street to the "intended" Bleecker Street. (*Ibid.* Vol. 21:8) The petition of sundry inhabitants of the street, praying it might be opened to Bleecker Street was referred to the Street Committee March 29th, 1824. The distance so to be opened was ninety feet and the Counsel of the Board was directed April 12th, to have commissioners appointed for the purpose. The regulation of Mott Street "from Prince to the grounds of James Roosevelt" was postponed until the street was open to Bleecker. (*Ibid.* Vol. 50:255, 341).

When farms are opened up by their owners it must be assumed that circumstance warranted the same. In laying out the streets north of present Chatham Street and of Division Street on both sides of the Bowery Lane the proprietors, Bayard on the west thereof and de Lancey on the east, perhaps linked their interests in common, for the maps show that the streets crossing the Bowery follow the same course. While this is so on both the Ratzer surveys, the names differ. On the Bayard farm appear Elizabeth, Winne and Rynders Streets all running north from Bayard Street. Those streets, however, having an east and west direction bear no names. De Lancey called the eastern extension of Bayard Street Fisher Street and the streets parallel thereto, proceeding northward, Pump, Eagle, Grand and Bullock. The streets crossing them at right angles and which paralleled the Bowery were designated First, Second, Third, Orchard, Essex, Norfolk, Suffolk, and Arundel.

No streets were laid out East of Arundel Street for there were

located the town house and gardens of Judge Thomas Jones,* the husband of Anne, the daughter of James de Lancey to whom her father had conveyed in 1765 about two acres of land. This estate was known as Mount Pitt, it being the highest part of Grand Street on which the property fronted. It was sold in 1785 under the act of May 12, 1784 by the Commissioners of Forfeiture to Morgan Lewis for £970, New York currency (\$2425). The location of the Jones house and grounds is fixed by the map of 1797 (Valentine's *Manual*, 1853) as lying between Arundel and Pitt Streets. Here it stood, according to Edward F. de Lancey's notes, until *circa* 1785 when it was removed to an adjoining lot and there remained until late in the Nineteenth Century. The name was chosen in honor of William Pitt, afterward Lord Chatham, of whom Judge Jones was a great admirer and is still perpetuated in Pitt Street.

The map of 1797 likewise locates Belvidere House a short distance to the East of the Rutgers Mansion. It is marked on the map of 1808, also, as lying along Cherry Street at Montgomery. Built in 1792 by 32 gentlemen who had associated together for social purposes under the appellation of the Belvidere Club it became a beautiful place of resort. Their first intention was merely to erect a couple of rooms for their use but the beauty of the situation which was then open to the river induced them to extend their plan and they erected the building as well to answer the purposes of a public hotel and tavern as for their own accommodation. In 1799 the house, then a suburban resi-

*Thomas Jones, son of Judge David Jones, was liberally educated, served a regular apprenticeship to one of the most eminent council in New York, was called to the bar and practiced in all the courts of record within the Province for a number of years with honor, a fine character and unblemished reputation. So early as 1757 he was, by Sir Charles Hardy, the Governor of the Colony, made clerk of the Inferior Court of Common Pleas for Queens County. In 1769 he was appointed Recorder of the City of New York, which office he executed to the universal satisfaction of the citizens until Sept., 1773, when he was promoted to a seat upon the bench of the Supreme Court. His loyalty to Great Britain is well known, his integrity undoubted and his religion that of the Church of England. For his steady adherence to the cause of his sovereign, his fixed opposition to rebellion and the measures pursued prior to its actual commencement, he became extremely obnoxious to the rebel powers. In consequence of which he was three times a prisoner, treated by the rebels with the utmost severity, indignity and contempt, suffered a captivity of nearly a year in Connecticut, was at different times robbed, plundered and pillaged and at last attainted by the Legislature of New York of high treason and his estate confiscated to the use of the State. He married Anne (born 1745, d. 1817), third daughter of Lieut.-Gov. de Lancey. (Jones' *History of New York during the Revolution*, 232, 658).

dence, was valued at £2500. For many years after and during the continuance of the club it was highly fashionable and much frequented. It was celebrated in its day and included such members as Babcock, Constable, Fish, McEvers, Kemble, Ludlow, Seton, Hoffman and van Horne, all heads of fashion and the beaux of the time. They met on Saturday nights, also evenings especially set apart for social gatherings and strangers in the city were generally invited guests. Death however broke the chain which linked the association together and other infortuitous circumstances occurring, it ceased to be frequented as a public house and was sold "a few years since," states the *Description of the Panorama of the City and Environs, circa, 1811*, "at public auction and became the property of John I. Glover. It has ever since been untenanted. *Vide also John A. Stevens' Physical Evolution of New York, in a Hundred Years, in the American History Magazine.*

The Ratzer survey of 1767 gives names of the cross streets on the Bayard farm, lying North of Bayard Street, viz: St. Nicholas, Hester and Judith and in error, wipes out the de Lancey designations, excepting Grand, and continues the above names over his farm. The Montresor plan of 1775 calls Grand Street, the Road to Crown Point but does not label the few streets laid down on either side of the Bowery Lane. Major Holland's survey of the following year restores the names of the de Lancey streets. Judith Street has been rechristened Ann Street. De Lancey Square or the Great Square as it was also called, which extended from Eagle to Bullock Streets and from Third to Essex and which has appeared on the maps up to this date, disappears on the plan of the city published in 1789 (Valentine's *Manual*, 1857) Here the blocks are shaded indicating a built up section, and Fourth Street has been opened through the square as far North as Bullock Street, between Third and Orchard. The streets East of Arundel to the East River are laid down for the first time and also named on the map of 1797, and Goerck and Mangin's survey of 1803 continues the names of these streets, with the exception of Margaret Street which is changed to Willett.

Some very interesting particulars concerning the above streets

can be said. Those East and North of Arundel are claimed to have been laid down by James de Lancey. As he left for England just prior to actual hostilities in order, it is said, to aid in the settlement of political matters between the mother country and the Colonies and never returned, the projection of the streets and their naming must have occurred before the Revolution, and as there is no way now to disprove the claim it is accepted, although one would think these streets might have been shown on earlier maps, and are not. We are sure, however, that Columbia and Pitt were streets in 1785, and this circumstance would bear weight in proving the ante-Revolutionary projection of the streets in this section. The British occupants could not be supposed to make any improvement in the plan of the city. After the sale of the estate the new proprietors "Of lots on de Lancey's ground" petitioned the Corporation for a general regulation of the streets in that quarter. This was referred to the Street Committee March 9th, 1795. (*Ms. Mins. C. C.*, Vol. 11:205).

With the map of 1797 before us let us follow the streets on the farm so far as we may: Fisher Street, now Bayard, was regulated from the Kennel (i. e. gutter) in the Lane to the northern Kennel in Division Street by authority of ordinance passed Aug. 17th, 1795. (*Ibid*, 274) Pump, now Canal, was changed to Walker, east of the Bowery Jan. 26th, 1829 (*Commercial Advertiser*, Jan. 31st,); west thereof it was Nicholas Street. This latter part of Canal Street was not opened until after 1828, for on May 30th, of that year, a correspondent in the *Journal of Commerce* recommended its continuation to the Bowery—an improvement which would be of incalculable importance and advantage to a large part of the city. *The Evening Post* of the following day heartily endorsed the plan, a late fire in the Bowery having removed "the chief obstacles" in the way. Eagle Street was now Hester. It was Nicholas Bayard II, who changed the names of some of the streets and named others on his east farm. The son of Samuel and Margreta (van Cortlandt) Bayard, he was baptized Aug. 28th, 1698 and married (1) July 3rd, 1729, Elizabeth, daughter of Barent and Hester (Leisler) Rynders, a merchant of the little city, which accounts for the names

of Elizabeth, Hester and Rynders Streets. Their children were: Hester, bap. July 29th, 1730; Samuel, Mar. 22nd, 1732; Samuel, June 13th, 1733; Margareta, Feb. 2nd, 1735; Nicholaes, Nov. 14th, 1736; Margareta, Aug. 27th, 1738; Judith, Feb. 29th, 1740; Barent Rynders, Mar. 31st, 1742 and Elizabeth, Oct. 15th, 1746. It will be noticed that of these children the eldest surviving after whose name no street had been called was Judith, hence the name of the western extension of Grand Street. *Vide* Ratzer map, 1767.

Bayard's will was dated Sept. 18th, 1760 and proved Dec. 30th, 1765. He named his daughter Hester van Cortlandt; daughter Judith van Rensselaer; son Nicholas and children by his (2) wife (Margarita van Beverhout, née Margarita Langmat, widow Johannes Glaudiszen van Beverhout) Elizabeth, Ann and Stephen. Here we have Ann Street accounted for which was the later name of Judith Street. *Vide* Major Holland's plan, 1776. Bayard nominated his son Nicholas, sons-in-law John van Cortlandt and Jeremiah van Rensselaer, brother Samuel Bayard and nephew William Bayard, executors. (*N. Y. Gen. & Bio. Record*, Oct. 1876:151; Jan. 1879:37, 39).

It was Nicholas Bayard III who served as Assistant Alderman for the Outward from 1743 to 1753. Oct. 8th, 1784 the Returning Officer certified that he had been elected Alderman, whereupon Alderman Thomas Ivers protested that he was ineligible in that after having left town he did voluntarily return thereto, and enjoyed his property and held employment under the British Government during the war. The protest was referred and pending the decision Bayard was inducted into office on Oct. 14th. The Committee reported on the 20th, that he was not disqualified by the election law. (*Ms. Mins. C. C.* Vol. 8:183, 194) He filled this position until 1796. Although he succeeded in maintaining his position as a patriot, popular feeling was very strong in favor of confiscating his estate, on which he lived during the whole period of British occupation. *The New York Gazette*, May 21st, 1750, related that his dwelling-house was struck by lightning "in a very surprising manner; the roof, chimney and windows all tore or broke to pieces but by the good

Providence of God no damage was done to any person other than what the sudden shock occasioned."

Grand Street was known by that name as early as 1766 (Ratzer) and lay on both sides of de Lancey Square. Because of the complaint of the inhabitants concerning the bad state of the road leading to Corlear's Hook the Common Council resolved in accordance with a report of a committee submitted Nov. 19th, 1788, that the road master make such repairs as would render it passable and convenient. (*Ms. Mins. C. C.* Vol. 9:155) As the main avenue of approach to Crown Point, with no other streets open, it was a much travelled road very early. The name was a natural outcome of this circumstance for it was a grand highway in the sense of being the principal street of the locality. As the main artery to the great east side it has maintained its preëminence. It was ordered paved as far east as Second Street April 14th, 1806 on petition of Alexander Fink and others. (*Ibid.* Vol. 15:529, 536) By ordinance passed Oct. 27th 1823 it was not lawful to plant a tree in any street, less than forty feet wide, to the southward and westward of Grand Street, under the penalty of twelve dollars for each offence. (Chap. XXXII., Sec. 18) and no person should sift or screen any lime in any of the streets, south of Grand Street, excepting in a lime-house; fine five dollars. (Sec. 33) Both Bullock and Orchard Streets were named in true farmer style. The former was changed to Broome, April 21, 1806 (*Ms. Mins. C. C.* Vol. 15:542) in compliment to the old-school merchant, Col. John Broome of the Revolutionary War, the first New York Alderman elected after the British evacuation, (1783-1784) afterward City Treasurer, (1784) Assemblyman (1801 and 1802) State Senator (1803) Lieut.-Governor of the State (1804-10) President of the Chamber of Commerce (1785-1794) and a founder of the Tontine Association. Broome County and the town of Broome in Schoharie County help to perpetuate his name.

It is supposable that Rivington Street received its name from the royalist editor of the *Gazetteer and Weekly Advertiser*. "He wielded a keen and bitter pen," says *New York Old and New*, 221, "and his attacks upon the Sons of Liberty finally aroused the active wrath of Isaac Sears, who, mustering a troop of light

horse from Connecticut, on a December morning in 1775, broke open the door of Rivington's office, in Wall Street, destroyed his presses and carried off his type in bags, to be made later into bullets. Rivington went to England after this raid, but returned in Sept. 1777, with a new press and type, and, issuing his paper anew, continued it under the title of the *Royal Gazette*, until the close of the war. He was, however, a time-server and trimmer, and, when persuaded that the Colonists would gain their independence, did not scruple to act as a spy for Washington. This deceitful service made it possible for him to remain in the town after its evacuation by the British."

The names of de Lancey and North Streets are easy of understanding. The latter was the furthest north at the time when the Commissioners planned the city to the north of that street, under the law of 1807. First, Second, Third, Fourth and Sixth Streets were renamed March 24th, 1817 (*Ms. Mins. C. C.* Vol. 32:287) for heroes of the war just won. First became Chrystie in honor of Col. John Chrystie. He entered the service of his country as Lieutenant of infantry 1808, and was promoted to Lieutenant-Colonel at commencement of hostilities. His zeal and activity as an officer were unequalled and the scholar being united with the soldier who had youth and a good constitution on his side much was to be expected. Death closed his eyes July 22nd, 1813 at a commencement of a promising and glorious career. He was only "allowed to shine conspicuous for valour so disastrous to the American Arms on Oct. 13th, 1812 at which time, in company with the brave Scott, he assisted in attacking and was the first to scale the ramparts of the fort at Queenston Heights in Upper Canada which was carried, defended and kept for several hours in the face of a powerful enemy which by reinforcements at length overwhelmed the Heroic Band and made them prisoners. Col. Chrystie was exchanged and returned to duty on the same frontier where a febrile disease destroyed the prospect of further fame by cutting short his day in the prime and rigour of manhood," at Fort George. Second Street received the name of Lieut-Col. Forsythe, of the United States Rifle Corps who distinguished himself on various occasions by his conspicuous bravery, enterprise

and activity and who died of a wound received in Lower Canada on June 28th, 1813. Third was rechristened in honor of Lieut. Joseph C. Eldridge who was distinguished for bravery at Stony Creek in June 1813, was wounded near Fort George and afterwards butchered by savages July 7th, with thirty four out of thirty nine men of the little detachment that he commanded. Fourth Street became Allen. Commander William Henry Allen of the "Argus" was only 29 when he died from wounds received in an engagement with the "Pelican" in 1813, a hot fight which lasted forty seven minutes. Allen lost his left leg. He had outmanoeuvred and outfought his enemy but he lost the day through the odd mischance that he was using powder that had been condemned by the British navy and was so weak that his shots did not dent the sides of the engaging ship. Earlier in the war he had served with Decatur and was the prize master of the "Macedonian." Even before the war broke out he was a division officer of the "Chesapeake" when she was overhauled by the "Leopard" in 1807. He is credited with firing the only shot from that ship, using for ignition a live coal brought from the galley in his fingers. His deeds of valor "had spread consternation throughout commercial England. In the course of thirty days he captured and destroyed no less than twenty valuable British merchantmen, valued at two million dollars." He died a prisoner in England and was buried there in Plymouth churchyard with every honor that a gallant enemy could show a good fighter.

Ludlow (Sixth) Street preserves the name of Lieut. Ludlow, U. S. N. "whose gallant conduct in several engagements during the war exalted him in the hearts of his countrymen and gave a deep tinge to the sorrows excited by his death and when he was finally consigned to the tomb along with his honored commander Capt. Lawrence on Sept. 16th, 1813. These valuable officers received their death wounds June 1st, 1813 when the U. S. S. "Chesapeake" was engaged and taken by the British Frigate "Shannon" in sight of the harbour of Boston. They were buried at Halifax, disinterred and carried to Salem, Massachusetts by Capt. Crownenshield and from thence brought to New York and consigned to the silent tomb in this city amid the

regrets of their countrymen and fellow citizens." That haven of the alimony delinquent, in local parlance, the Hotel de Ludlow, has made this name better known than the generality of east side streets. Arundel gave way to Clinton in honor of the Governor. Stanton and Attorney Streets were named for George Stanton who as de Lancey's attorney no doubt deserved the tribute. Ridge was projected along the ridge of Mount Pitt; hence its name and that of the adjoining street. This country seat of Judge Thomas Jones was bought by John R. Livingston and for many years was occupied by different gentlemen as a private residence. About 1811 it became a public house but not of notoriety. "The levelling system which is now pursuing in that neighborhood," stated the *Description of the Panorama representing the City and Environs*, painted by John J. Holland, and printed by David Longworth, "must shortly reach it and, like other eminences in the vicinity, it will soon be entirely forgotten."

Just north of Grand Street on the river was situated the residence and grounds of Colonel Marinus Willett. (*Vide* map 1789 & 1797 above cited) Born in Jamaica L. I., July 31st, 1740 he became a prominent Son of Liberty. His exploit in June 1775 in preventing the removal of arms distinguished him above his fellows. He was appointed Capt. in the 1st, Regiment, New York Line, was promoted Lieut-Col. 1777 and was actively engaged in the field. As Sheriff of New York County, 1784-87 and 1791-95, two streets Sheriff and Willett, both near his seat keep his name and title alive. He was Mayor of the city 1807, and it was his fortune likewise to serve in the War of 1812.

In a report of a committee relative to the establishment of a new ferry from Grand Street it is stated that Abraham Cannon, one of the petitioners therefor, was the oldest settler at Corlear's Hook and that he kept a ferry at that place near fifty years. (*Ms. Mins. C. C.*, Vol. 15:262, July 1, 1805) Hence Cannon Street.

Goerck and Mangin Streets were the two latest additions to the south-east corner of the city at the time of the new survey in 1803 and were named respectively after Casimir Th. Goerck and Joseph Fr. Mangin, the surveyors in charge of the work.

And here let us protest against the altering of names in general. Some changes are rightly taken, such for instance as First, Second, Third, Fourth and Sixth because the Commissioners of 1807, in providing for numbered streets north of North (Houston), those bearing numbers on numerous farm maps had to give way before legal enactment. The harm that is done by discarding a name which has real significance is great and irreparable. Why was it necessary to commit the monumental ingratitude of abandoning Chatham Street for Park Row? Why should Nicholas have been changed to Canal and Eagle to Hester? Surely the name of Harmon deserved a better fate than to be dropped for the miserable East Broadway, just as the illustrious name of Laurens should have been saved instead of being sacrificed for the wretched South Fifth Avenue; and West Broadway, its present name, is equally inane. The point that we wish to impress is that these changes destroy the value of a map as a historical record. Streets are gradually becoming of little significance for posterity. Uptown we have finally come to know them as the dwellers in prison cells and hospital wards are known—by numbers and not by name.

Some data relating to streets in this Bowery district are found in the *Laws and Ordinances*, established by the Mayor, Aldermen and Commonalty on Oct. 27th, 1823. Interments were prohibited south of a line commencing at the centre of Canal Street on the North River and running through the centre of Canal Street to Sullivan Street, thence through Sullivan Street to Grand Street, thence through Grand Street to the East River, under the penalty of \$250 for each offence. (Chap. XVIII, Sec. 30) No fresh meat could be sold except in the public markets or the street adjacent thereto south of a line commencing at the East River, at the foot of North Street, through North and First Streets to the Bowery Road, and through the middle of the Bowery Road to Thirteenth Street; thence along the middle of the said street to the North River. Likewise no fresh meat could be sold or exposed for sale in that part of the Bowery Road which lay to the northward of First Street. (Chap. XXIII, Sec. 20) Frame buildings could not be removed into, along or across any of the streets, lanes, alleys or public places lying to the southward of Stanton, Prince and

Charleton Streets, under penalty of \$250 for every such offence. (Chap. XXXII, Sec. 31) The Commissioners of the Alms-House and Bridewell were authorized to convert all swine running at large, to the southward of Watts and Grand Streets and westward of Forsyth and Market Streets to the use of the poor. (Chap. XXXIII, Sec. 26) The opening of 3rd, Street on the Minthorne tract took place in Dec. 1825 as laid down on a map of that date made by Daniel Ewen, C. S. on file in the Department of Public Works. The date at which the other streets on this tract were opened is indefinite. The map for opening Avenues A. B. and C. was not made until 1826. By act of the Legislature passed May 10th, 1836 (Chap. 282) Sheriff Street was continued northerly from Houston to Second Street of the same width and in direct line with that part of the said street lying south of Houston.

HOPPER STRIKER MOTT.

Judah Touro the Philanthropist

BY JOHN HOWARD BROWN

We are indebted to Ernest Touro Florance, Esq., president of the Commercial Law League of America, member of the American Bar Association, and of the American Society of International Law and director of the public schools of New Orleans, 1892-98, for a copy of the *New Orleans Times* of May 5, 1913, which copy reproduces from New Orleans newspapers published in 1850 many items of interest as valuable today as when published fifty-three years ago, and from which we cull the following items relating to the subject of this paper, and which items we append to the sketches of Rabbi Isaac Touro and his son, Judah Touro, the philanthropist of Newport, Rhode Island, and New Orleans, Louisiana.

JUDAH TOURO the Philanthropist was 'born in Newport, Rhode Island, June 16, 1775. His father, Rabbi Isaac Touro, came to Newport from the West Indies about 1760. At that time there were about sixty families of Jews residing in Newport and upon his arrival they organized a congregation and Rabbi Touro was chosen priest. In 1762 a synagogue was built, and the following year it was dedicated. This synagogue is still standing on Touro street, the street being named for his son, Abraham Touro, who provided for the perpetual care of the street.

The influence of the Jews in Newport increased and they became important in the mercantile and commercial affairs of the place.

With the breaking out of the American Revolution, and the possession of the city by the British, the families of Jews in Newport scattered, Rabbi Touro went back to the West Indies and died at Kingston, Jamaica, December 8, 1783. He was a man of learning and during his stay in Newport, enjoyed the respect and confidence of the people in a large degree without regard to sect or religious belief. The clergy of the Christian denominations held most friendly relations with him, and to him the Rev. Dr. Ezra Stiles (1727-1795), president of Yale College, owned his knowledge of Hebrew language and literature, the

study of which he began under Rabbi Touro in 1767, and in a single month he was able to read the whole book of Psalms. He also acquired under the eminent tutor a considerable knowledge of other Oriental languages. Dr. Stiles left Newport upon the occupation of the place by the British, at the same time Rabbi Touro returned to the West Indies to make provision for a home for his wife and two children. When quite young, he had married after settling in Newport, a sister of Moses Hays, a shipping merchant of Boston and then a resident of Newport. After peace with Great Britain had been declared, Mr. Hays removed from Newport to Boston, and took with him the family of his widowed sister, consisting of two sons and a daughter. The eldest son, Abraham Touro, left a fund of ten thousand dollars for the support of the synagogue and cemetery at Newport, and a further sum of five thousand dollars as an endowment, the interest to be applied perpetually to keeping the street on which the synagogue stood in repair.

Judah, the second son, was only two years old when his father went to Kingston, Jamaica, West Indies, and his uncle, Moses Michael Hays, cared for the family in Newport up to the declaration of peace with Great Britain, when he took them back to Boston where he educated the two boys, and when of a suitable age took them into his office to learn the shipping business. Judah was supercargo on a ship sent to trade in the ports of the Mediterranean in 1798, and on his return from this voyage, he established himself in business in New Orleans in 1802, then under the Spanish government, but purchased by President Jefferson in 1803, and in 1804 organized as the territory of Orleans in the United States of America.

He became one of the most influential men of his time in that city. In the war of 1812, he enlisted as a volunteer in the army of General Jackson, in the defence of the city against the threatened attack of the British troops under General Pakenham, and in the decisive battle of January 8, 1815, resulting in the loss to the British army of seven hundred killed, fourteen hundred wounded, and five hundred prisoners in the hands of the Americans, Judah Touro was one of the thirteen Americans wounded. His wounds were very severe, he narrowly escaping death, which

would have made the number of Americans killed nine instead of eight. He was distinguished for his widespread benevolences, which were not limited by creed or nationality. When Amos Lawrence offered ten thousand dollars toward the completion of the Bunker Hill monument in 1840 with the hope that his donation would stimulate others in adding to it enough to finish the shaft, his liberality aided by the appeals of Webster and Everett on the lecture platform, appeared to be utterly futile until Judah Touro privately offered to duplicate Lawrence's gift, provided the thirty thousand dollars remaining should be raised. This generous offer was accepted by the people and the whole sum was raised, and at the dedication of the monument in 1843, after Webster's immortal oration had been pronounced, the following lines were read by the presiding officer:

“Amos and Judah—venerated names!
 Patriarch and prophet, press their equal claims.
 Like generous coursers running neck and neck.
 Each aid the work by giving it a check.
 Christian and Jew, they carry out a plan—
 For though of different faith, each is in heart a man.”

In New Orleans he greatly prospered and was classed among the leading merchants of the city. In 1814 he gave two thousand dollars to the Redwood Library in his native city to be expended in improvements, and at his death he gave to the library a further sum of three thousand dollars, and he left among many other bequests a large sum in trust to Sir Moses Montefiore for the poor Jews of Jerusalem. In 1850 he aided the persecuted Christians in Syria, his donation to the cause being the largest individual subscription made at the time in the United States. Needy persons, as well as needy churches and synagogues were constant subjects of his benevolence. He died in New Orleans, January 18, 1854.

* * * * *

From *The New Orleans Item* of 1850: “The beautiful new Synagogue on Canal street was thronged yesterday with the Sons of Israel, assembled to celebrate that great event, the

spiritual birth of this ancient people, the delivery of the ten commandments to Moses. The galleries were filled with a bright array of the dark glancing daughters of Judah, and many persons not members of the religion attended to witness the, to them, novel ceremonies. The prayers were read by the Rev. Mr. Nathan, at the conclusion of which the Rev. Mr. Leser delivered an able and interesting discourse on the duty of the Jews to maintain with more exactness, and cultivate with more assiduity, the rites and ceremonies of their ancient religion. Mr. Leser also made pointed reference in his discourse to the liberality of a worthy son of Israel, Mr. Judah Touro, who was present and who received the handsome compliment with becoming modesty. This gentleman, a short time ago, was the owner of two Christian churches in this city. He is now the proprietor of Mr. Clapp's church in St. Charles street, the use of which he has given to that congregation for many years past. He was also the owner of the present church when it was used by the Episcopalians. The latter having bought a church of their own, Mr. Touro, at his own expense, converted Christ Church into a synagogue, where his brethren could worship in their ancient faith. It is now decidedly the most elegant, tasteful and architectural church in our city."

From *The New Orleans Delta* of 1850: "Some Orientals who are in this city just now seeking charitable aid for the persecuted Christians of Syria, applied to Mr. Judah Touro an old and wealthy citizen of New Orleans, for a subscription, expecting the ordinary amount of \$10 or \$5. To their surprise, however, the kind-hearted old gentleman gave them \$100, being the largest amount subscribed by any one individual in the United States. Here is a Hebrew doing more for the relief of suffering Christians than any of their own sect can be found willing to do."

Heroes Both

AN INCIDENT IN CONNECTION WITH THE BATTLE OF MARYE
HEIGHTS

BY IDA DONNALLY PETERS

IN the closing month of the year 1862, the flower of both armies were gathered near Fredericksburg, Va., where they were to fight one of the most remarkable battles of the Inter-state War. In both camps, on the morning before the battle, a cheerful activity prevailed. The soldiers, especially the very young men, were full of eager excitement and were longing for the fray.

The Federal general with a force of sixty thousand men and a hundred pieces of artillery, occupied the southern bank of the Rappahannock river with a reserve force of almost that number stationed several miles from the main troops. These troops were drawn up in line of battle ready for a decisive charge. From behind the stone wall on the heights overlooking the town, the Confederate Army was confronting them in a column between six and seven miles in length. Both armies were in position by noon of December the twelfth, it was generally understood, however, that hostilities would not begin before the next day.

That evening, a Southern lad, yet in his teens, joined the Confederate corps. He was a grave, earnest looking boy with the imaginative and sensitive face of a poet.

The morning of the next day, Saturday, December the thirteenth, a dense fog hung over the banks of the river on which the Federal forces were arrayed; the mist also extended over the fields and heights where the Confederate detachment was

placed. Under cover of this shielding haze the Union troops advanced. By eight o'clock they were in position and the terrible conflict began.

Line after line of intrepid soldiers pressed forward on the Confederate position behind that stone wall, to be repulsed with great slaughter. This was kept up from eight o'clock in the morning until four o'clock that afternoon when one desperate charge, with troops en masse, was made all along the line in front of the wall accompanied by a terrific fire of artillery. In this last and grandest effort the men, marching to almost certain destruction through an open field, came within twenty-five yards of the stone fence, notwithstanding the deadly aim of the artillery arranged so skillfully by the Confederate general on the heights above.

The boy who had joined the Southern army the night before seemed eager to be placed on the rising ground close to the stone barricade, a post of extreme danger, and once there with white face and brilliant, gleaming eyes, he loaded, aimed and fired with as much coolness and precision as any veteran of them all. Who could have guessed with what shivering of flesh he met and returned the charges of the enemy. He knew not fear, but this wholesale destruction of human life was abhorrent to one of his nature. This feeling was not visible in face or action. He had become machinelike in loading, aiming and firing. He had come of a long line of fighting ancestors, yet it was solely from a sense of duty that he went into battle; but once there he determined to do his part. It was with real surprise after every charge that he found himself upright and unwounded. He almost hoped that his head might be the next to go rolling from the wall to be trampled under the feet of the steadily advancing Federals. The ever recurring vision to his mind was of the many on every side shot to pieces, yet with life enough left in them to suffer.

In order to distract his mind from this terrible condition of affairs he began to study the personnel of the approaching forces, who were now charging quite close to the intervening breastworks. Almost opposite to him was a youth scarce older than himself, who was finding real joy in the conflict. He was

in the forefront always, and charged as if never in his life had he found an occupation so much to his liking. To blot out such a picture of happy youth was more than the Southern boy could bear to do. He shot all around the young Northern soldier, and so intent was he on missing him that he forgot his own sickening distaste for the terrible slaughter going on on both sides of the stone wall. Once the Northern boy caught the Dixie lad's glance, and he smiled at his enemy with the joyous freemasonry of youth. And the Confederate became aware that the Union soldier was likewise taking pains to miss his slender body.

At that moment there was an order shouted by an officer in the line outside the wall. The Union troops as one man made a last grand charge and were mowed down by the guns on the heights above like dead grass before a ruthless scythe.

To see those thousands upon thousands of dauntless men pressing forward with zeal and ardor to almost certain death was admitted by the brave, gallant and generous commanders of both sides to be for sublimity and grandeur of self-sacrifice a spectacle never to have been equalled.

The smoke of battle cleared away somewhat. The Southern youth looked eagerly, anxiously for his vis a vis in the charge, but he could see him nowhere among the dead and wounded, and he hoped with all his heart that the young Federal soldier had escaped the general carnage.

The battlefield was covered with the dead, the dying and the wounded. It is related by those behind the stone wall that all during the night the most distressing cries for water from these sufferers could be heard, but no relief could be afforded from either side though both armies sympathized greatly with the tortured men.

Nearest the wall, not a hundred yards from the Confederate line, lay a wounded Union soldier on the night of that awful thirteenth of December. He was burning with fever and delirious. His incessant cries for "water, water, water," was piteous in the extreme. The stillness of exhaustion was over both armies, and both could hear plainly the sufferer's moans for water. It seemed certain death to answer the parched cry.

As the day began to break his agony increased and his cries for the water which was the only relief save death for his indescribable sufferings, became louder. As the dawn grew brighter the Confederate youth, upon whom those heart-breaking cries had wrought terribly, saw that the Union soldier was none other than his young opponent of the day before. He determined to answer his call or die in the attempt; and so he informed his general, who, while giving his permission, tried to dissuade him from the venture. But he was resolved, and just as the sun came up in all its splendor, bringing out at the same time with pitiless plainness the awful harvest of human life made the previous day, the Dixie boy took his freshly filled canteen, leaped the wall, and with form bending low, carried it to the sufferer. Just as the deed was accomplished a great shout of approval went up from both sides and was repeated again and again. He marched back erect, the men before the wall and the men behind the wall becoming, for a brief moment, as one in their admiration for the slender boyish soldier.

This brave, generous and tender act, not performed in the heat of battle, but in the cold gray dawn of the morning when the courage of the bravest hearts is at the lowest ebb, not only relieved the suffering lad, but softened for a time, the hearts of the men of both armies to all suffering.

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In a beautiful church in a Northern city there is a tablet commemorating this deed which was placed there after the war by the grateful Union boy.

History of the Mormon Church

BY BRIGHAM H. ROBERTS, Assistant Historian of the Church.

CHAPTER LXXXVII

“THE UTAH WAR”—*Casus Belli*

WE have now to treat of political matters, and their relationship to that event which is variously known in Latter-day Saint Church annals as “The Utah War;” or “The Echo Canon War,” and by one pro-Mormon writer (Tullidge) as “Buchanan’s Blunder.” In the United States general government official reports it is most frequently referred to as “The Utah Expedition;” though the military force is often referred to in official documents as “The Army for Utah.” Anti-Mormon writers usually refer to the event as “The Mormon War.” (Linn, Waite, *et al*), and one (Waite) quotes the Saints as calling it—though I have found no confirmation of the alleged quotation—“Buchanan’s Crusade.”

The “War,” if so it may be designated, was waged on the part of the general government for the maintenance of the supremacy of the federal authority in the Territory of Utah, which Buchanan’s administration had been led to believe, or feigned to believe, was questioned in Utah; and against which, it was also led to believe, albeit on insufficient grounds, a substantial rebellion existed. On the part of the Latter-day Saints, then constituting practically the whole population of the Territory, the “War” was waged, in defense of the American principle of the right of local self-government, of community self-preservation, though the resistance to the federal manifestation

of force may not have been described at the time by such political terms. The narrative as it develops, however, will plainly demonstrate the accuracy of the above statement.

Brigham Young's first term as governor of Utah would expire in 1854. Naturally there was a strong desire in the territory for his reappointment, and Dr. Bernhisel at Washington was urging it to the extent of his ability, aided by such friends as he could bring to his support. Meantime, however, a very wide spread and bitter prejudice had arisen against the Saints in Utah owing to the report of the run-a-way officials—Brochus, Brandebury, Harris, and Day; followed, as it had been, by the official announcement of the Church respecting the doctrine and practice of plural marriage. There was, therefore, a strong feeling throughout the country that a non-Mormon should be appointed Governor of Utah, together with new judges, to be accompanied by a sufficient military force to enable them to "execute the laws of congress."¹

"I deeply regret to inform you," wrote delegate Bernhisel to Franklin D. Richards, "that the President finally declined to reappoint Governor Young to the office he now holds. Lieutenant Steptoe is the appointee." "The Colonel," he adds, "sustains a high character here [i. e. in Washington], and numbers among his friends the Hon. Secretary of War [Jefferson Davis]. Since Governor Young's reappointment could not be secured, which is a source of profound regret to us all, I know of no one who, I suppose, would be more acceptable than Col. Steptoe, but his friends here believe he will not accept."²

Colonel E. J. Steptoe and his command arrived in Salt Lake Valley on the 31st of August, 1854. The command consisted of two companies of artillery and one of infantry, numbering about 175 soldiers, and about 150 employees or quartermaster's men, 100 wagons, and 1,000 head of horses and mules. Ostensibly the command was *en route* for California. Bancroft states that Col. Steptoe had been given orders "to arrest and bring to trial the

1. See a letter of Orson Spencer's under date of Nov. 13th, 1854, in *Deseret News* for March 1st, 1855; the caption of Spencer's letter is—"Prospect of Mormon War," wherein he cites the *Charleston Mercury*, *Washington Star*, *New York Times*, *Albany Atlas*, and *Missouri Democrat* as favoring such a policy as stated in the text respecting Utah.

2. The letter bears date of Jan. 4th, 1854. *Mill. Star*, Vol. XVII, p. 110.

perpetrators of the Gunnison massacre," and we have already seen that he was present with part of his command at the trial and the conviction of some of the Indians engaged in that lamentable affair. It is also possible, however, that Steptoe's command came in response to the sentiment and the agitation in the east noted in Orson Spencer's communication to which reference has been made. At any rate the colonel of the command was the administration's appointee for the office of Governor of the Territory, and he was so soon followed by the other appointees of the Pierce administration,⁴ that the coming of the military force could easily have been made to serve the purpose of the eastern demand for such a thing. Fortunately, however, Colonel Steptoe seems to have judged that there was no occasion for such a turn to affairs; but on the contrary seemed very well pleased with conditions as he found them in Utah; so well, in fact, that he never presented his credentials if he brought them with him, and never claimed the office to which he had been appointed. On the contrary he joined with all the other officers of his command, with all the federal appointees, and all the leading non-Mormon merchants of the City, in asking that Brigham Young be reappointed Governor of the Territory and Superintendent of Indian Affairs, and the following petition was addressed to President Franklin Pierce:

PETITION

"To His Excellency Franklin Pierce.

"President of the United States:—Your petitioners would respectfully represent, that whereas Governor Brigham Young possesses the entire confidence of the people of this Territory, without distinction of party or sect; and from personal acquaintance, and social intercourse, we find him to be a firm supporter of the Constitution and Laws of the United States, and a tried pillar

3. Hist. Utah, p. 493.

4. The other appointees were Alamon W. Babbitt, of Utah, Secretary of the Territory. He was formerly sent to Congress, it will be remembered, as representative of the provisional state of Deseret; and had been continuously active in the Territory's political affairs. John F. Kinney, of Iowa, was appointed chief justice of the Territory, with W. W. Drummond, of Illinois, and George P. Stiles, of Utah, as associate justices.

of republican institutions; and having repeatedly listened to his remarks, in private as well as in public assemblies, do know he is the warm friend and able supporter of constitutional liberty, the rumors published in the states to the contrary notwithstanding; and having canvassed to our satisfaction, his doings as Governor and Superintendent of Indian affairs, and also the disposition of the appropriations for public buildings for the Territory, we do most cordially and cheerfully represent that the same has expended to the best interest of the nation; and, whereas, his reappointment would better subserve the Territorial interest than the appointment of any other man, and would meet with the gratitude of the entire inhabitants of the Territory, and his removal would cause the deepest feelings of sorrow and regret; and it being our unqualified opinion based upon the personal acquaintance which we have formed with Governor Young, and from our observation of the results of his influence and administration in this Territory, that he possesses in an eminent degree every qualification necessary for the discharge of his official duties and unquestioned integrity and ability, that he is the most suitable person that can be selected for that office.

“We therefore take great pleasure in recommending him to your favorable consideration and do earnestly request his reappointment as Governor and Superintendent of Indian Affairs for this Territory.”⁵

5. Hist. of Brigham Young, *Ms.* entry for Dec. 30, 1854, pp. 112, 113. The following entry respecting this petition is made in the *Ms. Hist.*: “This petition was signed by Chief Justice Kinney, Lieut. Col. Steptoe and all the officers of his command; the Associate Justices of the Supreme Court; the Federal Officers in the Territory, and all the leading Merchants of the City.” *Id.* The petition, with all the signatures attached, is published in *Deseret News* of Sept. 2, 1857. Notwithstanding the above course followed by Col. Steptoe, fifteen years later, Vice President Schuyler Colfax—elected with U. S. Grant, 1868—said: “Col. Steptoe was commissioned as Governor, in the place of Young; but after wintering with a battalion of soldiers at Salt Lake, he resigned, not deeming it safe or prudent to accept.” (See the Vice-President’s communication to the *New York Independent* of Dec. 2nd, 1869. Also pamphlet “The Mormon Question,” a discussion between Vice president Colfax and Elder John Taylor, *Deseret News* print, 1870, p. 13). The statement would scarcely be regarded as a tribute to the courage of the gallant Col. Steptoe. Mrs. C. B. Waite, wife of Judge Waite, one of the associate justices of Utah, by Lincoln’s appointment, in 1862, also author of “The Mormon Prophet,” 1866, tells an incredible story of Col. Steptoe being entrapped by two beautiful women, acting under Brigham Young’s direction, into a compromising situation, and that in order to escape exposure resigned his commission as Governor, and recommended Young for the place. Mrs. Waite states that the narrative she gives was “furnished by a Mormon who was residing in Salt Lake City at the time” (p. 27). This is the doubtful source of the story. Bancroft rightly says: “There are no grounds for such a statement.” (*History of Utah*, p. 493, note). Yet Beadle (*Life in Utah*, p. 171) and Linn (“Story of the Mormons,” p. 469) repeat the story, Linn quoting Waite as the source, but saying in a foot note that it is “confirmed by Beadle, ‘Life in Utah,’ p. 171.” “Confirmed” should be “repeated,” by Beadle. Mrs. Waite writing in 1866, Beadle in 1870. The latter says, “It is now known that Col. Steptoe had been secretly commissioned Governor of Utah by President Pierce,” p. 171.

The foregoing petition was drawn up and signed on the 30th of December. Somewhat earlier in the month, the 21st, the Territorial legislature unanimously memorialized the President and the United States Senate to the same effect, representing that the petitioners and "their constituents *unanimously* wish and fervently desire the reappointment of his Excellency, Brigham Young."⁶

While the reappointment of Governor Young was in suspense, and it was thought likely that some one else, and that some one else not to the people's liking, would be appointed, there were some rather vigorous things said by leading men of the Territory by way of protest in relation to an administration in a republican government that would appoint officers in a Territory without regard to the wishes of the people. Brigham Young was among those who assailed this injustice and this un-American principle, and as early as June, 1853, and again in February, 1855, he asserted his intention to reprove U. S. officers who imposed upon the people, as he had in the case of Judge Brochus.⁷ In this connection nearly every non-Mormon writer has done Brigham Young a great injustice in representing that he expressed his determination to be governor of Utah in defiance of the federal appointing power.⁸ The first passage on which the garbling process is used and the injustice done is a statement made in June, 1853:

"We have got a territorial government, and I am and will be the governor, and no power can hinder it until the Lord Almighty says, 'Brigham, you need not be governor any longer,' and then I am willing to yield to another."⁹

This, however, should be read in connection with a preceding paragraph in the discourse:

6. Acts, Resolutions and Memorials of the Legislative Assembly of Utah, 1855, pp. 419-20.

7. See sermon in *Deseret News* of March 16, 1854, and Journal of Discourses, Vol. I, 187. Also Vol. II, pp. 187-8.

8. See Linn's "Story of the Mormons," p. 468. He partially quotes President Young, as above, and then adds: "Having thus defied the federal appointing power, the nomination of Col. Steptoe as Young's successor might have been expected to cause an outbreak; but the Mormon leaders were always diplomatic—at least when Young did not lose his temper," etc., etc. See also Bancroft's Hist. of Utah, ch. XVIII, opening sentence, *et passim*; also Stenhouse in "Rocky Mountain Saints," pp. 280-1.

9. Sermon June 19, 1853. *Deseret News*, March 16, 1854. Journal of Discourses, Vol. I, p. 135.

“As for this people, and as for the disturbances and reports of the returned judges (Brandebury and Brocchus); as for the say so of one nation, or of all the nations upon the earth, I am entirely unconcerned, . . . but I hope one thing concerning this kingdom of God, which is established upon the earth (i. e. meaning here the church of the Latter-day Saints) that they will turn neither to the right nor to the left, but maintain continually a steady, unslackened pace to build up the cause of truth: and let small men, or large men, officers of states, emperors, kings or beggars, say or do what they please, it is all the same to the Almighty. The king upon his throne, the president in his chair, the judges upon the bench, and the beggar in the street, *are all overruled in their actions by the Almighty God of heaven and earth.* Who can successfully fight against him?”

Strong in this conviction he also said in this same discourse—“I have no fears whatever of Franklin Pierce excusing me from office, and saying that another man shall be the governor of this Territory.” And then again—“I care not what may come, I will do the work the Lord has appointed unto me; you do the same and fear not, for the Lord manages the ship of Zion, and on any other ship I do not wish to be.”¹⁰

The press of the United States having made much of the garbled reports of this discourse sent to the east by unconscionable scribblers, President Young in February, 1855, made the following comment both upon the fact of the misrepresentations and of his former remarks:

“The newspapers are teeming with statements that I said, ‘President Pierce and all hell could not remove me from office.’ I will tell you what I did say, and what I now say; the Lord reigns and rules in the armies of the heavens, and does His pleasure among the inhabitants of the earth. He sets up a kingdom here, and pulls down another there at His pleasure. He walks in the midst of the people, and they know it not. He makes kings, presidents, and governors at His pleasure; hence I conclude that I shall be Governor of Utah Territory, just as long as He wants me to be; and for that time, neither the President of the United States, nor any other power, can prevent it. Then, brethren and sisters, be not worried about my being dismissed from office; for when the President appoints another man to be Governor of Utah Territory, you may acknowledge that the Lord has done

10. Ibid.

it, for we should acknowledge His hand in all things. All people are in the hands of the Almighty, and He governs and controls them, though they cannot perceive, neither do they acknowledge, His handy-work. He exalts the President to be the head of the nation, and places kings upon their thrones. There is not a man that escapes His cognizance, and He brings forth His purposes in the latter days."¹¹

With this light thrown upon the passage under question it is very clear that Brigham Young was not asserting any defiance of the federal appointing power at Washington, but merely acknowledging the hand of God in the affairs of men and of states; and was expressing his confidence that he would remain in his place as governor as long as the Lord sought proper to sustain him there; not, I believe, an attitude of mind that does great violence to common theistic notions or sentiments.

Relative to Col. Steptoe and his reported appointment as Governor of Utah, Brigham Young, while holding that "the people should have officers of their own choice," said of Col. Steptoe:

"If the gallant gentleman who is now in our midst had received the commission of Governor of this Territory, as was reported, and had accepted it, I would have taken off my hat and honored the appointment; and this people would have been just as passive and submissive to him as they could be to me. That I will warrant and vouch for. If they wish to send a Governor here, and he is a gentleman, like the one I referred to, every heart would say, 'Thank God, we have a *man* to stand at our head in a gubernatorial capacity; a man who has got a good heart, and is willing that we should enjoy the federal rights of the Constitution as well as himself.' I am with all such men, heart and hand. But for a man to come here and infringe upon my individual rights and privileges, and upon those of my brethren, will never meet my sanction, and I will scourge such an one until he leaves; I am after him. But I will, say, to the praise of the gallant gentleman referred to, if there was going to be a gentleman called upon to be our Governor, there is not a man, out of the Kingdom of God, that I would listen to sooner, and feel more confidence and cordiality towards, than to him. I wish this need of praise could be awarded every officer in the government, but it cannot."¹²

11. From a sermon of 18th Feb., 1855, *Journal of Discourses*, Vol. II, p. 183.

12. *Ibid*, pp. 187-8.

It having been reported that Governor Young had been deposed and Col. Steptoe appointed Governor in his place, Elder Orson Hyde wrote the *Deseret News*:

“So far as I am acquainted, there is no man in the Territory, outside the Church, who shares, more liberally, the respect and confidence of her citizens than the Colonel. There are those, however, that are equally well respected.

“Col. S. is not obliged to accept his appointment; and it remains to be seen whether he entertains a similar respect for popular sovereignty and the known wishes of the great mass of the citizens of the Territory to that which they entertain for him.”¹³

It was not to Colonel Steptoe, then, that objection was made by the people of Utah, but objection to the appointment of any person that was not the choice of the people. Previous to the publication of Hyde's comment the *Deseret News* editorially had said:

“In a Republican Government so Liberal, and professedly enlightened, as that of the United States, a person might reasonably expect to see the principle of ‘popular sovereignty,’ the basis upon which the whole political machinery is alleged to rest, carried out to the fullest extent; and not only each state, but also each territory be left to operate untrammelled so long as they kept within the bounds of the Constitution.”

In a later paragraph these reflections were indulged:

“It is not strange that our revolutionary fathers were more or less influenced by the precedents of the government whose yoke of ‘taxation without representation’ they had so recently thrown off; but it actually is *strange* that, in this boasted age of progression, the very principle against which our fathers so manfully struggled should be carried out towards the Colonies. This is as entirely opposed to reason, justice, and the professed

13. Letter is published in *Deseret News* March 21st, 1855. By this time the *News* received this letter it was known that the Colonel had refused to accept the appointment to the governorship on which the *News* editorially commented as follows: “This refusal is stated upon reports, which, if true, substantiates the correctness of our estimate and corroborates our idea that President Pierce made the best appointment for us that our enemies would let him.” (*Deseret News* of 8th of March, 1855).

principles of freedom and 'popular sovereignty,' as it was in the days of the Revolution, and the perpetuity of so glaring an inconsistency can only be accounted for upon the traditionary influence, human weaknesses, delight in oppression, and love of power, even though unjustly obtained and exercised."

The argument is then made that the territorial system in its practical effect amounts to taxation without representation, since the delegate from a territory to congress had no vote upon the raising or the distribution of the national revenue, which the people of a territory equally with the people of a state, paid; and the privilege of having a delegate in congress, but with no vote, amounts to little more than the privilege of petition and protest. Attention is called to the injustice of having their local legislation annulled by the national congress,¹⁴ in which matter the delegate had no vote. The un-Americanism of appointing officers to govern the people, rather than allowing the people to choose their own officers is pointed out. "This usage," says the editorial, "is precisely such as Great Britain exercised towards the revolutionary colonies. All this is but cold shouldered treatment, and left handed kindness to those enterprising persons who go forth to redeem the unsettled wilds of our country; whereas a nation so wealthy, with such an extent of unoccupied domain, and withal so boastful of republicanism, should extend every possible encouragement to the permanent occupancy and improvement of new regions, and in lieu of fettering and discouraging by the arbitrary and tyrannical exercise of high-handed power, should break off every shackle, and guarantee the broadest exercise of the freedom that is consistent with the Constitution."¹⁵

14. "All laws passed by the legislature assembly and governor shall be submitted to the congress of the United States, and if disapproved, shall be null and of no effect." Organic Act of Utah, sec. 6.

15. *Deseret News*, 8th March, 1855. Respecting the people of the Territory and their fitness for self-government, and the improvements that might be made in the Territorial system, the *News* writer said:

"Who are the men who settle our Territories, who make the first roads and bridges, open the first farms, build the first houses, and make the barren waste rejoice? They are the most energetic and enterprising of your citizens, and have been raised side by side with the residents of your states, to whom you vouchsafe the full and free rights of self-government, and a voice in your highest councils. And does the enterprise necessary to found a new settlement disqualify them for their own wants, making their laws and choosing their own officers? Shame on such an absurdity and a double shame on all who would put the weight of a feather upon the elastic step, and buoyant fortitude of those most loyal and intelligent pioneers who go forth

Responding to so unanimous a demand from all classes of people in the Territory, including Col. Steptoe and the officers of his command, President Pierce continued Brigham Young in office as governor of Utah. This may well be regarded as a victory for the people of Utah, a triumph for the principle of home rule, but the conflict between federal policy and the right of local self-government was by no means ended. It is next to appear in the judiciary department of the Territorial government.

The Organic Act of Utah passed by the national congress provided that the judiciary of the Territory should be vested in a supreme court, district courts, probate courts, and justices of the peace. The supreme court was to consist of the chief justice and two associate justices, any two of whom constituted a quorum. The jurisdiction of the several courts provided for, both appellate and original, "*and that of the probate courts, and of justices of the peace, shall be as limited by law;*" with the proviso that justices of the peace should not have jurisdiction when the title to boundaries of land was in dispute, or where a debt or sum claimed in suit should exceed one hundred dollars; and provided also that the said supreme and district courts respectively should possess chancery as well as common law jurisdiction.

Leaving the jurisdiction of the several courts, except for the provisos named, to be "*as limited by law,*" gave the general assembly of the Territory its opportunity to secure for the probate courts, which by the Organic Act the legislature was left

and amid hardships and privations to multiply upon American soil the happy fire-sides of American sons and daughters. What should be done by the parent government to foster the extending of the area of unalloyed freedom? Knock off the shackles which now bind the expansion of the full force of her Territories, and to do this effectually and consistently, whenever they petition for it, and present a proper state constitution, admit them into the Union as states, with privileges of sending at least one representative, and this, too, regardless of the number of their population.

"But if this too long, a stride for the short steps of 'old usage,' and for 'the square rule of old 'Say-so,' begin by allowing their delegates to vote as well as a voice, expunge the usurped authority to 'disapprove' their legislative inactments, and permit them to elect all of their own officers, except such as are also appointed in states, to carry out the policy and laws of the general government, and a person to look after the proper disbursement of such funds as Congress should appropriate to assist the creeping child to speedily attain full statue.

"If this is still requiring too sudden and great expansion of the parchment skin of old 'Tradition,' it does seem that the smallest amount of consistency would compel the appointing power to gratify the wishes of the people, by appointing officers of their own choice."

to create and provide with officers, as wide a jurisdiction as possible. Circumstances lent themselves to such a movement. The retirement of chief justice Brandebury and associate justice Broccus, left the Territory, which had waited patiently for the machinery of government—and especially for the judiciary department—without a supreme court, and only one of the associate justices was left in the Territory to transact the business belonging to the three district courts provided for in the Organic Act. The Territory had been organized since Sept. 9th, 1850; nearly a year had elapsed before a sufficient number of the judges arrived to organize the courts; and then, before the system provided could be inaugurated, two of them left their posts, rendering that organization impossible, and leaving the Territory without a judiciary except for such inadequate service as one associate justice could give. Under these circumstances, apart from any natural desire that the local legislators might have to enlarge the sphere of local self-government in the judiciary department, it is not remarkable that the general assembly did all it could to create a local judiciary that would meet the needs of the people and give something like stability to Territorial judiciary affairs.

Accordingly among the first measures enacted by the legislature of 1851-2—the first held under the Organic Act of the Territory—was one in relation to the judiciary, the first section of which provided that “the district courts shall exercise original jurisdiction, both in civil and criminal cases, *when not otherwise provided by law;*” they were also to have a general supervision over all inferior courts to prevent and correct abuses, “*where no other remedy is provided.*” Furthermore the act provided that “by the consent of the court and the parties, any person may be selected to act as judge for the trial of any particular cause or question; and while thus acting he shall possess all the powers of the district judge in the case.” This to promote the local custom of settling difficulties by arbitration rather than by litigation; as also, doubtless, to enlarge the sphere of home rule by local officers as against government by federal appointees. In the same act, “with a view to the attainment of justice,” the judiciary act proposed to dispense with all needless forms and



to disregard all technical pleadings; "all technical forms of action and pleadings, are hereby abolished." This in the interest of direct and simple legal procedure—the cure for the oft insufferable "law's delay," and "the insolence of office."

The judges of the probate courts—of which there was one in each county—were elected by the joint vote of the legislative assembly, but commissioned by the Governor, to hold their office for the term of four years, and until their successors were elected and qualified. The probate courts in addition to the usual jurisdiction of probating wills, the administration of the estates of deceased persons, the guardianship of minors, idiots, and insane persons, had power conferred upon them, to exercise in their respective counties, "*original jurisdiction both civil and criminal, and as well in chancery as at common law*, when not prohibited by legislative enactments;" and they were to be governed in all respects by the same general rules and regulations, as regards practice, as the district courts. Clerks and recorders were provided for these courts, with directions as to procedure and reports. Said courts were to be considered as always open, but provisions were made for four regular sessions each year. A prosecuting attorney was appointed in each organized county by the respective probate judges of said counties, whose term of office was for four years, unless sooner removed by the probate judge, and until his successor was appointed and qualified. It was made his duty "*to attend to all legal business in the county, in which the Territory is a party, and prosecute before the probate court of his county, all individuals accused of crimes.*"

A Territorial marshal was also provided, to be elected by joint vote of both houses of the legislature; his term of office, four years—unless sooner removed by the legislature—and until his successor was elected and qualified. Power was granted to the marshal to appoint one or more deputies in each judicial district of the Territory, whose term of office was to parallel that of the marshal, subject to removal at any time, however, by the marshal at his discretion. "It shall be the duty of the marshal, or any of his deputies, to execute all orders or processes of the supreme or district court, *in all cases arising under the laws of the Territory*, and such other duties as the executive may direct, or may

be required by law pertaining to the duties of his office." The office of attorney general for the Territory was created and elected in the same manner, for the same length of time and made amenable to the same authority, as the marshal—viz, the legislature. "It shall be the duty of the attorney general," said the enactment, to keep his office at the seat of government to attend to all legal business on the part of the Territory, before the courts, where the territory is a party, and prosecute individuals accused of crime in the judicial district in which he kept his office, *in cases arising under the laws of the Territory*, and such other duties as pertain to his office." Provision was made for the election of a "district attorney for each judicial district, (except for the one in which the attorney general kept his office), elected in the same manner, for the same length of time, answerable to the same authority, and directed to discharge the same duties, in the same manner, under the same limitations, in their respective districts as the attorney general in the districts in which his office was located.

These several enactments limited, as it was doubtless the intention of the legislators to limit, the U. S. Supreme and District Courts to the transaction of such legal business as related to, and that came solely under, the jurisdiction of the laws of the United States operative within the Territory, and such appellate jurisdiction as the local legislators were bound to recognize. Undoubtedly such legislation was unusual. But if the legislation was unusual, were not the conditions to be met unusual? And did not those conditions justify the legislation, both on account of the practical abdication of the federal judiciary, and the uncertainty of their remaining at their respective post of duty in the future? But more than all this was not the legislation justified upon the right of an American community to exercise the largest possible measure of home rule consistent with the several provisions of the constitution bearing upon the distribution and reservation of political power as related to government?

"Judge Shaver, one of the best of jurists," says Captain Bur-

16. The Enactment was approved Feb. 4th, 1852, and is to be found in the Laws of Utah for 1852, published in the collected Acts, Resolution and Memorials, authorized by the legislature of 1855, pp. 120-128.

17. This enactment approved March 3rd, 1852. Acts, Resolutions and Memorials, compilation of 1855, ch. VII, pp. 140-1.

ton, "tacitly acknowledged the jurisdiction of the probate courts;" that is, as established by the legislation here considered; and Judge Kinney the chief justice of the Territory, under the appointment of President Pierce, asserted the legality of their jurisdiction in a judicial decision.¹⁸

In addition to this decision of chief justice Kinney, the Utah legislation had the tacit approval of the national congress, which, notwithstanding it assumed the right to annul the laws passed by Territorial legislatures, allowed this legislation to stand undisturbed for nearly a quarter of a century, when most of it was annulled by what is known as "The Poland Bill," approved June 23, 1874, of which more later.¹⁹

18. Burton's "City of the Saints," p. 312, note. Anti-Mormon Writers quite generally disparage Judge Kinney as a jurist, chiefly, so far as I can find, because he was friendly disposed to the people of Utah, and did not sympathize with anti-Mormon crusades against them. When appointed to the office of chief justice of the supreme court of Utah by President Pierce, he was not an applicant for the place, being content with his position of a judge of the supreme court of Iowa. "In 1854," writes O. F. Whitney, in his biographical sketch of Judge Kinney, "he announced in court his intention to resign: whereupon a meeting of lawyers was held, and resolutions of regret unanimously adopted by the members of the bar, that relations between themselves and Judge Kinney were to be dissolved. They referred to the uniform dignity, impartiality and courtesy which had marked his course, and declared that in his retirement the Supreme Bench of the state lost a learned, independent and indefatigable judge, the local bar an able and distinguished member, and themselves a warm and generous friend. Judge Kinney's relations with the people of Utah were always agreeable. "He states," says Whitney, "that he held his sessions of court without interruption, and administered the law alike to Mormon, Jew and Gentile without interference." He remained in Utah with his family until the spring of 1856, "when he and his family returned to Iowa to afford his children better opportunity for attending school. Two years later he was appointed by President Buchanan to the position he had formerly held in Utah, chief justice of the supreme court. This position he occupied until July, 1863, when—since the judge was a Democrat, he was removed by a Republican President—Abraham Lincoln—but within a month of his removal from the judgeship he was elected as delegate to Congress from Utah, "receiving every vote cast at the election" (Ibid). After this the judge had a varied political and business career in Nebraska and California, but finally made his home in Utah where he died 16th of August, 1902. The only thing which detracts from Judge Kinney's dignity of deportment, seems to have been that "added to his judicial functions" the occupation of "store keeper and boarding house proprietor," which anti-Mormon writers hold to have been "unprofessional." (See Linn, "Story of the Mormons," p. 469: Waite's "Mormon Prophet," pp. 28-31.

19. That part of the legislation considered in the text relating to the Territorial marshal and the Territorial attorney general was also subject to the examination of both the Territorial courts and the supreme court of the United States, with the result that the legislation respecting these two officers and their functions was sustained by the supreme court. In 1874, at the request of the Utah legislature, judge Z. Snow, at one time associate justice of Utah, and at the time of which we speak Utah's attorney general, reviewed this legislation; and in so far as it related to the two officers here referred to, and in relation to the history of the litigation and the conclusion of the matters involved, said:

"How, then, stands this question? In 1852 the Governor and legislative assembly passed a law providing for an attorney-general and a marshal, to be elected by the

It has already been said that the U. S. Judges appointed by the Pierce administration were John F. Kinney, chief justice; with Geo. P. Stiles, of Utah, and William W. Drummond of Illinois as associated justices. The attitude of judge Kinney with reference to local Utah questions has been sufficiently pointed out. The first clash in respect of jurisdiction between the United States judiciary officers and the local Territorial judiciary officers occurred in judge Stile's court in Salt Lake City, in February, 1857. The Territorial marshal claimed the jurisdiction of serving writs and empaneling juries when the courts were sitting as Territorial courts; the United States marshal claimed the right to exercise these functions both when the courts were sitting as Federal courts and as Territorial courts. Judge Stiles inclining to the latter view, issued certain writs to the United States marshal, and when the question of jurisdiction came up in his court a number of local lawyers, led by James Ferguson,²⁰ entered the court room and by boisterous conduct and threats intimidated the judge, who suddenly adjourned his court.

Waite, Bancroft, Linn, *et al* state that Stiles appealed to Brigham Young as governor of the Territory to sustain him and protect him in the discharge of his duties; but he "was told that if he could not sustain and enforce the laws the sooner he adjourned his court the better."²¹ Stiles had been more or less prominent in Mormon affairs from Nauvoo times. In Nauvoo he held the office of City Attorney and in the city council advocated the destruction of the *Nauvoo Expositor*.²² He had latterly, however, fallen into evil ways, and had been excommunicated from

joint vote of both houses. Under this law these officers have been elected from that time till the present, and until about 1862 or 1863 no governor raised an objection. Then one raised the objection, but the legislative assembly stood firm. From that time till 1870 it was acquiesced in by the governors, each of whom had the same but no more legal authority than those who have since presided. In 1870 the courts here ruled against this law.

"In 1873 the Supreme Court of the United States, having the law under consideration, held it valid, saying, 'The Organic Act is susceptible of a construction that will avoid such a conflict. And that construction is supported by long usage in this and other Territories. Under these circumstances it is the duty of the court to adopt it and declare the Territorial act valid.' If I am correct in saying the judgment of a court of last resort is conclusive, has not this act been declared valid?" (Communication of Attorney General Z. Snow to the house of representatives of the Utah Territorial legislature, Feb. 4, 1874).

the Church in the preceding December, by the conjoint action of a number of the apostles and a general meeting of the seventies—of which latter body the judge was a member—for immoral conduct—adultery.²³ This loss of moral standing in the community, doubtless contributed to a lack of respect for his court, and was the cause of the indifference, on the part of Governor Young, in supporting him against the intimidation of Fergerson *et al.*²⁴

Judge Drummond soon after his arrival in Utah, announced his intention to ignore the special powers given by legislative enactment to the probate courts of “original jurisdiction both civil and criminal, and as well in chancery as in common law;” denouncing such laws as having been “founded in ignorance;” and as having no binding effect.²⁵

That the appointment of Drummond to the bench in Utah was as much a disgrace to the administration at Washington as it was an imposition upon the people of Utah is quite generally admitted, even by Anti-Mormon writers. “Judge Drummond’s course in Utah was in many respects scandalous,” writes Linn. “A former member of the bench in Illinois,” he continues, “writes to me: ‘I remember that when Drummond’s appoint-

23. Hist. of Brigham Young, Ms. entry for Dec. 22nd, 1856, pp. 1267-1278, where the case is given in detail. Also Woodruff’s journal, entry for same date.

24. The conduct of Ferguson subsequently became the subject of investigation by a “Mormon” grand jury, which reported to Judge C. E. Sinclair’s court, under date of Dec. 14, 1858, as follows: “The grand jury find that James Ferguson, of Great Salt Lake City, U. T., did use language and threats calculated to intimidate Judge George P. Stiles, United States district judge, while in the execution of his official duties and presiding as judge of this District Court at the February term, 1857. Said threats and language used to George P. Stiles.” (Rocky Mountain Saints, p. 283). [Signed] “Eleazer Miller, Foreman.”

On the foregoing our author remarks: “Mr. Ferguson was by instinct a gentleman: his actions on this occasion find interpretation in the general spirit of the times, Israel was determined not to be beaten.” (*Id.*) He should have said, that Mr. Ferguson was insisting, albeit in an irregular and unlawful manner, in this instance, for the right of local self-government.

25. See Letters of Samuel W. Richards, member of the Territorial legislature to his brother, F. D. Richards, then, 1855, in England: “You have no doubt heard of the appointment and arrival of Judge Drummond in this Territory. He has lately been holding court in this place [Fillmore] which has given him an opportunity to show himself. . . . He has brass to declare, in open court, that the Utah laws are founded in ignorance, and has attempted to set some of the most important ones aside. This being the highest compliment he has to pay to Utah legislators, we shall all endeavour to appreciate it, and he, no doubt, from his great ability to judge the merits of law, will be able to appreciate the merits of a return compliment some day. His course and policy so far seem to be to raise a row if possible, and make himself notorious.” (Letter dated at Fillmore, Utah, Dec. 7th, 1855. *Mill. Star*, Vol. XVIII, pp. 204-5). In a second letter the same writer said: “He has virtually ruled our probate courts out of power in his decisions.” *Ibid.*, p. 254; and Waite’s “Mormon Prophet,” p. 39.

ment was announced there was considerable comment as to his lack of fitness for the place; and, after the troubles between him and the Mormon leaders got aired through the press, members of the bar from his part of the state said they did not blame the Mormons—that it was an imposition upon them to have sent him out there as a judge.’ ”²⁶

Bancroft refers to him as a “gambler and bully;” that “he openly avowed that he had come to Utah to make money, and in the presence of the chief justice declared: ‘*Money is my God.*’ ”²⁷ This is confirmed by M. Remy in his “Journey to Great Salt Lake City,” who claims to have been present when the remark was made; and further says—“he added without shame, that we might note this profession of his faith in our journal.”²⁸ These French travelers note also that the judge was “not a very estimable character, being notorious for the immorality of his private life.”²⁹

The facts are that judge Drummond brought with him from Washington a prostitute, whom he introduced as his wife, and quite frequently had her sit with him upon the bench during the sessions of the court,—“where he administered justice in the name of the Republic,” remarks Remy.³⁰ He had deserted a wife and a family of several children at Oquawka, Henderson county, Illinois, whom he had left in want. It was some time before the immoral status of Judge Drummond was discovered in Utah, and then it was learned through relatives of Mrs. Drummond, who inquired of him if the wife he had in Illinois was still living, to which the Judge answered in the affirmative, but claimed that he had been divorced from her. This led to a letter of inquiry being sent to Mrs. Drummond conjointly by Mr. and Mrs. Silas Richards, the aforesaid relatives of Mrs. Drummond. In answering Mrs. Drummond denied being divorced from the

26. Linn’s “Story of the Mormons,” p. 469.

27. Bancroft’s Hist. of Utah, p. 490.

28. Remy and Brenchley’s “Journey to Great Salt Lake City,” 1861, Vol. I, p. 208; also again, at p. 469, where the matter is repeated and the presence of the chief justice noted.

29. *Ibid.*, pp. 468-9.

30. “Journey to Great Salt Lake City,” Vol. I, p. 469. The woman went by the name of Ada Carroll in Washington, but her real name was Mrs. Mary Fletcher, formerly of Baltimore, where her husband, Charles Fletcher, a school teacher, and her mother, a Mrs. Ridgley, resided. (See Letter of Judge W. I. Appleby, in *Mill. Star*, Vol. XIX, p. 401, *et seq.*; also letter from Mrs. Drummond, wife of the Judge, in *Deseret News*, of May 20th, 1855).

Judge, and disclosed his relations with the Carroll woman, and his general perfidy. Mrs. Drummond's letter was published in full in the *Deseret News*.³¹ Such was the character and conduct of this United States Judge appointed for Utah. "He was constantly saying," remarks M. Jules Remy, who met the Judge both at Salt Lake and at Fillmore, "to whoever would listen to him, that these laws [i. e. the laws enacted by the Territorial legislature] were founded in ignorance, and that he—an open adulterer, mark—would never let slip an opportunity of protesting against the polygamy practiced in Utah."³² A remark made by one Levi Abrahams, a Jew convert to Mormonism, and a shop keeper at Fillmore, led to Judge Drummond sending his negro body servant to horsewhip the Jew. This was done and both the Judge and Cato, the negro servant, were arrested for "assault and battery with intent to murder."³³ The case was never brought to trial, the matter being in some way, not very clearly set forth, "smothered" in court; and the Judge soon after removed from Fillmore to Utah county, and in the Spring of 1857 went to Carson valley, ostensibly to hold court for Judge Stiles, but really to leave Utah for the east *via* California and the Isthmus of Panama.

In California the Judge for a time created quite a sensation through the press of that state, and much bitterness against the Saints in Utah was manifested in editorial comment of the period.³⁴ On arriving at New Orleans Judge Drummond mailed

31. See impression of 20th of May, 1857; Mrs. D. addresses her letter to Mr. and Mrs. Richards—"Dear Brother and Sister:" for Drummond's character see Judge Appleby's communication in *Mill. Star*, Vol. XIX, 401, *et seq.*, and Remy's Journey to Great Salt Lake City, Vol. I, p. 208-9.

32. Remy's Journey to Great Salt Lake City, Vol. I, p. 469.

33. Richards' Letter, *Mill. Star*, Vol. XVIII, p. 355. Also Id. Vol. XIX, p. 401 (Judge Appleby's version). The story is related by a number of writers among them Waite and Remy. The letter refers the assault upon Abrahams to a gambling quarrel; Mrs. Waite says the Jew was "hired for \$25 to quarrel with the Judge," that the "result of this *E. mute* was a compromise in which it was understood the Judge would not interfere with the probate courts, and he was set at liberty," p. 39. I have followed Judge Appleby's version in the text as being most likely to be accurate.

34. See the San Francisco Bullentin, *Alta* and the Sacramento *Daily Union* of the period, *passim*; and for a refutation of many of the Judge's slanders see the *Western Standard*, edited by Geo. Q. Cannon; *passim*; and also *Writings* from the *Western Standard*, being a collection of editorials from the Weekly Western Standard, particularly articles under the captions, "A Mormon's Estimation of Gentiles," p. 412; "The Mormon Problem and the Bulletin," p. 454; "Another Witness Against Judge Drummond," p. 478; "Ex-Judge Drummond and His Slanders," p. 415 *et passim*. Also current numbers of "The Mormon" during this period, *passim*.

his resignation to Jeremiah S. Black, attorney general in Buchanan's administration, bearing date of March 30th, 1857. He stated as his reasons for resigning:

(1) That Brigham Young is the head of the Mormon Church; and, as such head, the Mormons look to him, and to him alone, for the law by which they are to be governed; therefore no law of congress is by them considered binding in any matter;

(2) That he [Drummond] knew that a secret, oath-bound organization existed among all the male members of the Church to resist the laws of the country, and to acknowledge no law save the law of the priesthood, which came to the people through Brigham Young.

(3) That there were a number of men "set apart by special order of the Church, to take both the lives and property of any person who may question the authority of the Church."

The Judge also alleges—"That the records, papers, etc., of the Supreme Court have been destroyed by order of the Church, with the direct knowledge and approbation of Governor B. Young, and the Federal officers grossly insulted for presuming to raise a single question about the treasonable act."³⁵

(4) "That the Federal officers of the Territory are constantly insulted, harrassed, and annoyed by the Mormons, and for these insults there is no redress.

(5) "That the Federal officers are daily compelled to hear the form of the American government traduced, the chief executives of the nation, both living and dead, slandered and abused from the masses as well as from all the leading members of the Church."

The Judge charged discrimination in the administration of the laws as against Mormon and Gentile; that captain John W. Gunnison and his party were murdered by Indians, but "under the orders, advice and direction of the Mormons;"³⁶ that the

35. Such excuse as existed for making this report arose from the fact that at the time of the disturbance in Judge Stiles' court, a number of books and papers were taken from the Judge's office during his absence and burned. As the records, papers, etc., of the supreme court of the Territory were supposed to be kept in his office it was suspected that they were also destroyed, whereas they were safe and in the custody of the Deputy Clerk of the supreme court, Curtis E. Bolton, in the absence of W. J. Appleby, the clerk.

36. The case of Captain Gunnison, and who was responsible for his death, is considered in Ch. LXXXII, AMERICANA for March, 1913.

Mormons poisoned Judge Leonidas Shaver, Drummond's predecessor;³⁷ that Almon W. Babbitt, Secretary of the Territory had been killed on the plains by a band of Mormon marauders, who were "sent from Salt Lake City for that purpose, *and that only*," under direct orders of the Presidency of the Church of the Latter-day Saints, and that Babbitt was not killed by Indians as reported from Utah.³⁸

Drummond further explains to the Attorney General that his reason for making his resignation public was "That the Democratic party"—the party with which he [Drummond] had always acted, was then the party in power, "and therefore, is the party that *should now* be held responsible for the treasonable and disgraceful state of affairs" then existing in Utah Territory. After telling how bravely he had endeavored to discharge his duty in Utah, though painfully admitting that he had "accomplished little good while there," he expressed it as his belief that "if there was a man put in office as governor of that Territory, who

37. The case of Judge Shaver is treated in Ch. LXXX, of this history, AMERICANA for February, 1903.

38. This charge though admittedly not proven nor susceptible of proof, is nevertheless iterated and reiterated by Anti-Mormon writers: Waite (Mormon Prophet, 1866, pp. 24, 25). Beadle (Life in Utah, pp. 172-3). Linn ("Story of the Mormons," 1902, p. 467) and many others. Mr. Babbitt had sent out from Florence, Nebraska, in August, a small ox train, in advance of his own departure for the west, laden chiefly with government property, a large number of books, stationery and other necessities for the approaching session of the legislature. This train was attacked by Cheyenne Indians on Prairie Creek, some fifteen miles from New Fort Kearney on the 25th of August. All the party except two or three were killed on the spot, and one the next day—a Mrs. Wilson—after capture. The train was partly pillaged, when a party of Omaha hunters appeared on the scene in time to stop the pillage and save some of the wagons and other property which was turned over to the officers at New Fort Kearney. (Council Bluff Eagle, Sept. 9th, 1856, copied into *Mill. Star*, Vol. XVIII, p. 686). A few days later Mr. Babbitt, who had left Florence in an open carriage with only one attendant, expecting to overtake his train and accompany it to Utah, arrived at New Fort Kearney where he learned of the disaster which had befallen his first train. He immediately purchased more cattle, fitted out his train again and resumed his journey. Several days later he was attacked and himself and his party killed. (Council Bluff Eagle, copied into *Mill. Star*, Vol. XVIII, p. 823). If the Presidency of the Church sent a party to perpetrate this crime and they went east for that purpose and that purpose only, as charged by Judge Drummond, then the executioners traveled a distance of over seven hundred miles to do the deed, and seven hundred miles returning, making a distance of fourteen hundred miles. In addition to the unlikeliness of such an undertaking at so unnecessary a distance, there is an utter absence of motive; for while Mr. Babbitt was a bold, independent spirited man, and not given to yielding implicitly to the suggestions of Brigham Young, still there existed no motive for the crime charged against the Mormon Presidency by Judge Drummond. Moreover, and once for all, the matter is set at rest by the investigation into the matter by the brother-in-law of Mr. Babbitt, Editor of the Crescent City (Iowa) *Oracle*, who published the results of his investigations in the impression of his paper of May 22nd, 1857. The article is given in note 1, end of this chapter.

is not a member of the Church (Mormon), and he be supported with a *sufficient military aid*, much good would result from such a course." "But," he continued, "as the Territory is now governed . . . it is noonday madness and folly to attempt to administer the law in that Territory. The officers are insulted, harrassed, and murdered for doing their duty, and not recognizing Brigham Young as the only law giver and law-maker on earth."³⁹

As prompt a denial was made of the main allegations of Judge Drummond, as was compatible with the means of communication of those days—there being no railroads nor telegraph lines between Missouri river points and Utah. Curtis E. Bolton, Deputy clerk of the supreme court for Utah, in the absence of William J. Appleby, the clerk, made a sworn denial of the things charged in the resignation. The Judge said in his resignation that the "records, papers, etc., of the supreme court have been destroyed by order of Governor B. Young." "I do solemnly declare this assertion is without the slightest foundation in truth," wrote the deputy clerk. "The records, papers, etc., of the supreme court in this Territory, together with all decisions and documents of every kind belonging thereto, from Monday, September 22, 1851, at which time said court was first organized, up to the present moment, are all *safe and complete in my custody*, and not one of them missing, nor have they been disturbed by any person."

Bolton also denies and disproves the discrimination in the administration of the law in cases against accused Gentiles; and concludes by saying:

"I could, were it my province in this affidavit, go on and refute all that Judge W. W. Drummond has stated in his aforesaid letter of resignation, by records, dates, and facts; but believing the foregoing is sufficient to show you what reliance is to be placed upon the assertions or word of W. W. Drummond, I shall leave this subject."⁴⁰

39. The Resignation will be found in House Ex. Doc. 35th Congress, 1st session, X, No. 71, p. 212. It is also published in Tullidge's Hist. S. L. City, pp. 131-134.

40. House Ex. Doc. 35th Congress, 1st sess., X, No. 71, pp. 214-5. Bolton's letter will also be found at length in Tullidges Hist. S. L. City, pp. 134-6. Bolton's letter, made into an affidavit by proper acknowledgment, bears date of June 26th, It reached the east in July, and was published in the *St. Louis Republican* of July 26th, 1857.

There should be added to Bolton's denial of the Drummond allegations at this point the vigorous denial of Mr. Feramor Little, which was published in the east even before Bolton's was written. Mr. Little, connected with the western mail service, had arrived at Independence in the latter days of February; thence he went to Washington and New York, arriving at the latter place at the time Drummond's charges were given to the press and were creating a great sensation. Under date of April 15th he addressed a vigorous letter to the N. Y. *Herald* in the course of which he said:

"The charges of Judge Drummond are as false as he is corrupt. Before I left for the states, I was five days every week in Great Salt Lake City, and I witness to all the world that I never heard one word of the burning of nine hundred volumes of law, records, etc., nor anything of that character. . . . The treasonable acts alleged against the Mormons in Utah are false from beginning to end. At Fort Kearney we learned all about the murder of Colonel Babbitt, and do know that that charge against the Mormons is but another of Drummond's creations. "I have but a short time at my disposal for writing, but must say, that I am astonished to find in the states, rumors against Utah. We left our homes in peace, dreaming of no evil, and we come here and learn that we are the most corrupt of men, and are preparing for war."⁴¹

There were also other communications sent to the east which greatly prejudiced the people of the United States against the

41. This letter was never published by the *Herald*. Mr. Little, however, handed a copy of it to the editor of The Mormon (N. Y.) and it appeared in that paper, impression of April 18th, the editor remarking, after noting that it had been sent to the *Herald*—"we shall now see if Friend Bennet (i. e. of the *Herald*) means anything like fair play." In the impression of The Mormon of April 25th, it is noted that the *Herald* had not yet published the Letter of Mr. Little contradicting the "wicked reports" about Utah, and adds, "*Of course not!*" In the next issue of the "Mormon," May 2nd, however, it is noted that the *Herald* of Saturday the 25th of April had given a summary of Mr. Little's letter, in "fourteen and a half lines," saying in concluding the summary: "We leave the Judge [Drummond] to dispose of these disclaimers by such evidence as he may have in his possession. We have done our part by giving both sides of the story." On which the editor of "*The Mormon*" remarked: "The *Herald* seems to have a very easy conscience; * * * after publishing week after week the most outrageous attacks upon Utah, he publishes fourteen and a half lines from a friend in Utah, and says he had given *both sides of the story!*" (*The Mormon*, of May 2nd, 1857). This was but a sample of the treatment accorded the Mormon side of the question for some time by the press of the east.

people of Utah. These were the outgrowth of disappointed contractors engaged in the western mail service of the government. From the first letting of the contract for carrying the mails from Independence *via* Fort Laramie there had been great irregularity and much loss of mail, with corresponding disappointment and vexation on the part of the people of Utah and the west generally. In September, 1855, the *Deseret News* publishing an official list of the mail arrivals from the east, notes that only three out of its list of fourteen mails had arrived on time and thus comments on the mail service:

“The misearable manner in which 50,000 isolated citizens of the United States are supplied with mail facilities is a disgrace to the government, and a matter of inconvenience, disappointment and loss that none can fully appreciate except those who have experienced it as have the inhabitants of Utah. There is gross injustice, miserable mismanagement, and the dead weight of foul corruption and fogysm somewhere, or such long standing and well known evils would be removed.

“Utah is only allowed a monthly mail from the east, and that at the best is not required to arrive until the end of the month, and must leave early on the first of the next month, thus, when it even arrives by the allotted time, (which it has not done for nearly a year) compelling correspondents and business men to omit all, or nearly all, of their answers until another month. Hence, instead of a mail even once a month, it is virtually a mail once in two months in good weather, and twice within the past nine months, once in three months.”⁴³

Protests against the irregularity of the arrival of the eastern mail continued into the following summer. The June mail having been delayed for four days within forty miles of Salt Lake, on the plea of the contractors that the Weber river could not be forded, and which the citizens declared “a farm boy could have crossed with impunity,” an indignation meeting was held at the Old Council House to protest against the inefficiency of the ser-

43. *Deseret News* of Sept. 12th, 1855. In addition to the mail to and from the east there had been since 1851 a mail between Salt Lake City and Sacramento, leaving these cities respectively on the first of every month; also a bi-monthly mail between Salt Lake City and the Dalles Oregon; a weekly mail to San Pete Valley, and semi-weekly mail to and from Ogden.

vice. This on the 2nd of June: the meeting adjourned and convened again on the 14th of June when resolutions of protest were adopted and ordered printed in the *New York Herald*, *The Mormon*, N. Y., the *Luminary*, in St. Louis, and the *Western Standard*, in San Francisco.⁴⁴

The irregularities of the eastern mail service led to the organization of what finally became known as the "B. Y. Express and Carrying Company," a little later abridged to the "Y. X. company." The purpose of the movement was "to establish a daily express and passenger communication between the western states and California." The subject was agitated first at Fillmore in the winter of 1855-6 when the legislature and supreme court convened at that place. The meeting of leading men held at Fillmore adjourned to Salt Lake City, where a mass meeting was held on the 26th of January, 1856. The published roster of the officers of that meeting will disclose that it was not exclusively a "Mormon" affair. Governor Young was chosen President; chief justice (non-Mormon) Kinney, Heber C. Kimball, J. M. Grant, Hon. Almon W. Babbitt, Associate justice G. P. Stiles, (indifferent Mormon) Surveyor General, W. H. Burr (non-Mormon) Messrs. W. Bell and W. Gerish Merchants, (non-Mormon), and Parley P. Pratt were chosen Vice Presidents. Wilford Woodruff, Orson Pratt, and W. H. Hooper (the latter a merchant) were chosen secretaries, and Geo. D. Watt, reporter.⁴⁵

There were speeches and resolutions upon the subject at this meeting; and on the 2nd of February another meeting was held still more enthusiastic. Ballo's band played patriotic airs, among them the Star Spangled Banner. Subscriptions for stock were opened. Governor Young took stock and individually offered to furnish 300 miles of the route. "One thousand miles was subscribed for, and the large number present unanimously voted to sustain the chartered company in carrying a daily express from the Missouri river to California, and in extending the line as fast and as far as circumstances may permit."⁴⁶

44. Hist. Brigham Young, Ms. entry for June 2nd, 3rd and 14th, 1856, pp. 327-8; and 33-4. *Deseret News* of June 11th, p. 108.

45. *Deseret News* of January 30th, 1856.

46. *Deseret News* of February 6th, 1856.

The formation of this company doubtless led to the very low bid of Hiram Kimball, a Mormon, for the contract of carrying the mails between Independence and Salt Lake City, since it was designed that the mails should be carried by the "Y. X. Company," as part of its regular business. The contract was awarded to Kimball on his bid of \$23,600.00 *per annum*, the previous contractors, a Gentile firm, Hockaday and Magraw, had received \$50,000.00 *per annum*. It was known that the lower bid of Hiram Kimball would barely pay expenses, but run in connection with the "Y. X. Company," and owing to the resources in stock, in the number and efficiency of mountain men and plainsmen, and possessing exceptional advantages for organization, it was beyond doubt that the mail contractor and his ally, the "Y. X. Company" would succeed. The contract was awarded to Kimball in October and was to go into effect on the 1st of December, of the same year, and run to the 30th of November, 1860.⁴⁷

Meantime an enemy had been sowing tares in this fair field of enterprise. Mr. W. F. Magraw the former mail contractor, being disappointed at his failure to secure a renewal of his contract, determined apparently to have his revenge upon the community of Latter-day Saints, whom he doubtless regarded as having united to be rid of him and his inefficient mail carrying service, of which, through their press, they had often, yet justly, complained. Accordingly Mr. Magraw wrote President Buchanan from Independence, Mo., under date of Oct. 3rd, 1856, in the capacity of "a personal and political friend." He felt it incumbent upon him to lay before the President "some information relative to the present political and social condition of the Territory of Utah." "There is no disguising the fact," he continues, "*that there is left no vestige of law and order, no protection for life or property; the civil laws of the Territory are overshadowed and neutralized by a so-styled ecclesiastical organization, as despotic, dangerous and damnable, as has even been known to exist in any country, and which is ruining not only those who do not subscribe to their religious code, but is driving the moderate and more orderly of the Mormon community to desperation.*"

47. See Letter of Delegate John M. Bernhisel to John Taylor, Oct. 23rd, 1856, *Deseret News* of January 14, 1857.

“For want of time,” he explains, he has to generalize; “but particular cases, with all the attendant circumstances, names of parties and localities are not wanting to swell the calendar of crime and outrage to limits that will, when published, startle the conservative people of the States, and create a clamor which will not be readily quelled; and I have no doubt that the time is near at hand, and the elements rapidly combining to bring about a state of affairs which will result in indiscriminate bloodshed, robbery and rapine, and which in a brief space of time will reduce that country to the condition of a howling wilderness.”⁴⁸

One other communication on the subject of alleged “Mormon aggressiveness” is a letter from the Indian Agent of the Upper Platte, Thomas S. Twiss, addressed to the Commissioner of Indian Affairs, Hon. J. W. Denver, under date of July 15th, 1857, but calling attention to a communication of earlier date, “April last,” in which the agent had called the attention of the department to the settlement being made within the boundaries of the Upper Platte agency “by the Mormon Church, clearly in violation of law, although the pretext or pretence under which these settlements are made is under cover of a contract of the Mormon Church to carry the mail from Independence, Mo., to Salt Lake City.” So much evidently repeated from the April communication. In the July letter the agent proceeds to say:

“On the 25th May, a large Mormon colony took possession of the valley of Deer Creek, one hundred miles west of Fort Laramie, and drove away a band of Sioux Indians whom I had settled there in April, and had induced them to plant corn.” . . .

“I have information from a reliable source that these Mormons are about three hundred in number, have plowed and planted two hundred acres of prairie, and are building houses sufficient for the accommodation of five hundred persons, and have a large herd of cattle, horses and mules.

“I am persuaded that the Mormon Church intends, by this plan thus partially developed, to monopolize all of the trade with the Indians and whites within, or passing through, the Indian county.

“I respectfully and earnestly call the attention of the department to this invasion, and enter my protest against this occupa-

⁴⁸ Magraw's Letter to the President, House Ex. Doc. 35th Congress, 1st Sess. X, No. 71, pp. 2-3.

tion of the Indian country, in force, and for forcible ejection of the Indians from the place where I had settled them.

"I am powerless to control this matter, for the Mormons obey no laws enacted by Congress. I would respectfully request that the President will be pleased to issue such order as, in his wisdom and judgment, may seem best in order to correct the evil complained of."⁴⁹

This is rank misrepresentation throughout and especially as to the number engaged in and the purpose of the settlement in Deer Valley. With reference to the settlements to be formed along the line of the mail route it was explained at the April conference of the Church of that year, held at Salt Lake City, that the purpose was "more particularly to facilitate immigration by establishing *temporary* settlements;"⁵⁰ and only twenty men were called at this same conference to engage in that service.⁵¹

NOTE 1. EVIDENCE OF THE DEATH OF HON. ALMON W. BABBITT, AT THE HANDS OF CHEYENNE INDIANS, SEPTEMBER, 1856: "We notice in the letter of resignation, of Hon. W. W. Drummond to Attorney-General Black, that he there, among other very grave charges, asserts that the Hon. A. W. Babbitt was murdered by white men disguised as Indians, by order of the authorities of Utah. In justice to the parties thus maligned, we will state that we have taken much pains to gather all the information possible calculated to throw light upon the death of our relative Mr. Babbitt, and the particulars connected with the same; and we have not a shadow of doubt but that Indians of the Cheyenne nation murdered him for revenge and plunder; and for the satisfaction of his friends who have not heard the full particulars, we will recount them briefly.

"As secretary of Utah, the late and lamented Col. Babbitt purchased the stationery and other necessities for legislative purposes, etc., and at a proper season started it from Florence across the plains with ox teams, under the charge of a Mr. Nickols. Late in August, with only one attendant and in an open

49. House Ex. Doc. 35th Cong., 1st Sess. X, No. 33, from the Indian Department.

50. Remarks of D. H. Wells, see Minutes of Conference in *Deseret News* of April 15th, 1857.

51. The list of names will be found in Hist. Brigham Young Ms., entry for April 21st, 1857, pp. 167-8.

carriage, Mr. B. left Florence for Utah. Upon arriving at Fort Kearney, he there found some of his stock, his wagons, and a portion of the goods, and one man wounded from his train, being all that remained, four of the number having been killed, three on the spot and one (Mrs. Wilson) the next day after capture.

“Mr. Babbitt hastened to purchase more cattle, and gathering up the remains of his freight, started the train again forward, and wrote us two several letters, stating that he would start forward himself with two attendants the day following. These, are probably, the last words he ever wrote.

“Mr. Babbitt left the fort as had been arranged, and was never again seen by white men. All the emigration were ahead. He intended to reach Fort Leavenworth [Laramie] in three days, and was making good his time. Some weeks later, an Indian came in to a French trader’s station with a gold watch, which bore the initials of Mr. B.’s name, and soon another came with a massive ring, which was also marked as a seal ring.

“The Indians then being charged with the murder acknowledged they had done it. News was sent to the fort and Major Wharton immediately sent out a detachment in search, which found Mr. Babbitt’s carriage, trunk and many valuable papers; but nothing of the unfortunate victim but a few bones.

“The Indians then confessed that, having been insulted and abused by the parties in charge of the mail, and then were killed by the soldiers, a company of twelve had fallen upon Mr. Babbitt’s ox-train as being the first they had met, to avenge the wrong. That they had seen Mr. Babbitt arrive at the fort and knew him, (he having crossed the plains nearly twenty times) and that he was a big man, and, by killing him, they might be likely to get plunder and revenge at the same time. They had gone on ahead and lay in wait; when he passed they followed him at a distance until he had stopped, the second day in the afternoon. Then they rode down upon him, yelling and screaming. Mr. B. shouted at them and motioned them to stop and pointed his pistol at them; but they passed on and he fired at them.

“Frank Rowland (a young man accompanying him) stood with his arms by his side until shot down; the other man ran away in the willows. The Colonel fought like a tiger, fired all his arms, then clubbed his rifle and fought the whole twelve savages, disputing every inch, as he slowly backed up to his carriage for protection behind. He had seriously wounded several, when one, more cowardly than the others, jumped up into the wagon, and, with the tomahawk, killed a brave and noble man.

“Major Wharton still has possession of the ring which he

obtained of the Indians, and some other valuables and relics, found on the spot of the murder.

"Mr. ———, a French trader, has a fine gold watch which belonged to Mr. B., which he purchased of the Indians, together with some articles of minor value.

"All that is now known of the murder of the late Mr. Babbitt, is obtained through the Indians themselves, who acknowledge they committed the murder.

"It seems to be a very malicious charge the ex-Judge is thus making against the people of Utah, without anything to justify him in doing so.

"The widow of the late Mr. Babbitt is now on her return from Utah to this place. Upon her arrival, we shall, at the earliest moment, announce the receipt of anything further connected with his murder." (*Crescent City Oracle* of 22nd May, 1857. Copied into *Mill. Star*, Vol. XIX, p. 443). The essential facts of this narrative were also published in the *Council Bluffs Bugle* several months before they appeared in the *Oracle*. The *Bugle* statement is copied into the *Mill. Star* of Dec. 27, 1855. (Vol. XVIII, pp. 823-4).

Mrs. Babbitt, according to the expectation expressed in the above narrative in the *Oracle* arrived in Crescent City, and under date of July 11th, 1857, addressed a letter to the N. Y. *Herald* giving the results of her investigations at Fort Laramie and New Fort Kearney. Her letter appeared in the *Herald* under the caption

COLONEL A. W. BABBITT'S MURDER

Interesting Letter from His widow—Her melancholy investigation of the circumstances of His Death—The Cheyenne Indians His Assassins—all white men acquitted of the charge.

The story of her letter was substantially the same as that published by her brother, J. E. Johnson, in the *Oracle*. In concluding her letter to the *Herald*, Mrs. Babbitt said:

"I have not a shadow of suspicion that white men were in any way concerned in his death—the newspaper story that he was killed by the Mormons to the contrary notwithstanding. As an act of public justice, I ask you to lay these facts before the people, that my friends and the many friends of my husband may know the facts relative to his melancholy death."

Signed JULIA ANN BABBITT.

The letter is copied from the N. Y. *Herald* into the *Mormon* of August 1st, 1857.

CHAPTER LXXXVIII

"THE UTAH WAR." *Casus Belli*—(Continued)

The reader now has before him the substance of all the documents giving the "information" upon which the Buchanan administration believed itself justified in sending an army of two thousand five hundred soldiers to Utah with the necessary equipment, baggage and supply trains; with great herds of cattle for meat supplies; with the necessary large number of servants, and teamsters; and the inevitable camp followers and adventurers that accompany such enterprises, with the attendant enormous expense of sending such an expedition through a thousand miles of wilderness, to a wilderness, there to be maintained for no one knew how long, and then to be returned through the thousand miles of wilderness at as great an expense as was incurred in getting them to their destination—surely this "expedition," presented opportunity for "fat picking" by government contractors and justified those who named the "Utah Expedition" the "Contractors War."¹ All this was occasioned by what the administration at Washington was pleased to regard as "the community and, in part, the civil government of Utah Territory," being in "substantial rebellion against the laws and authority of the United States;" for which reason the administration announced through the war department that "a new civil gov-

1. Tullidge's Hist. of Salt Lake City, p. 156. Also the following from Bancroft's text and note: "The price to be paid for the transport of stores, provisions, and munitions of war was at the rate of twenty-two cents a pound; and thus it will be seen that if the Utah war served no other purpose, it made the fortunes of those who secured the government contracts. Through a little dexterous manipulation at Washington, permission was given to the man who secured the flour contract to furnish Utah flour, and this he did at a cost of seven cents per pound, receiving, of course, meanwhile, the money allowed for freight, and netting in a single years the sum of \$170,000 [on that item alone]. The troops remained in the Territory for about four years, and no wonder that they often asked one of another, 'Why were we sent here? Why are we kept here? What good can we do by remaining here?' No wonder also that the people asked, 'Were they retained in Utah in order to fill the purses of the contractors?'" Greeley's Overland Journey, p. 253). Greeley says that this instance [i. e. the graft on the flour item] had become notorious at Washington. Stenhouse relates that the man who obtained the flour contract received an order for his money payable at Camp Floyd, but had the choice of receiving in lieu army mules at a certain calculation. He chose the latter, and sending them to California realized a profit of nearly 600 per cent. on his money. (Rocky Mountain Saints, p. 416). For further specimens of sharp practice, see S. F. Bulletin, June 8, Aug. 20, 22, 30, 1859).

error" was "about to be designated, and to be charged with the establishment and maintenance of law and order;" and "Your able and energetic aid," wrote the war department to General Harney,—who was first designated to command the "Expedition"—"with that of the troops to be placed under your command, is relied upon to insure the success of the mission."² This attitude of the administration was assumed, and this "Expedition" undertaken on the "information" supplied by the communication (1) of this run-a-way Judge, W. W. Drummond; this man who had outraged every principle of decency by deserting his wife and family in Illinois and placing a prostitute beside him upon the judgment seat in Utah, and whom even non-Mormons denounce—as we have seen—as a black leg and a gambler; a profligate and a liar; and (2) on the communication of the disappointed and disgruntled mail contractor, Magraw; accompanied, it should be admitted by some reports of runaway U. S. officials, disgruntled sub-Indian agents, whose actions have been considered in previous chapters and by common report and the misrepresentations that have usually attached to all things connected with the Latter-day Saints. But I insist that the only foundation or excuse the Buchanan administration had for sending this armed "Expedition" to Utah was supplied by the above named two documents.

Upon these two documents, then, the Buchanan administration, without previous investigation, acted in the matter of this Utah Expedition;³ and, moreover, that administration confined itself in the main to the suggestions made in the communication of Judge Drummond, *viz*, the appointment of a non-Mormon for governor, to be supported by "sufficient military aid."

And now let the situation in Utah be considered, and see if

2. The quotations in the text above are from a letter of instructions to General Harney, signed by Geo. W. Lay, Aid-de-Camp to General Scott, commander in Chief of the U. S. Army, House, Ex. Doc. 35th Congress, 1st Sess., X, Doc. 71, p. 7; also given in full in Tullidge's Hist. Salt Lake City, p. 122.

3. On the occasion of Captain Van Vliet's visit to Salt Lake City as the advance Courier of the army, President Young in the interview that is now historic put to him directly the question: "I will now ask Captain Van Vliet if Drummond [i. e. Drummond's communication] was not the main cause of the United States sending their armies against us." "*I think it is*," was the Captain's answer. (Journal of Wilford Woodruff, Ms. entry for Sept. 12th, 1857.)

that situation was such as to justify the secret formation of such an expedition, much less justification for sending such an expedition without first making official investigation of the charges against the Latter-day Saint community in Utah.

Respecting the phrase "secret formation" of the expedition, it may be asked if such a thing was possible; to which the answer is yes, under all the circumstances of distance and isolation of the community to be moved against, and the absence of other means of communication between Missouri river points and Salt Lake valley than a monthly mail; and even this was cut off for months previous to the order to form the expedition and entirely suspended in June—the mail that would doubtless have brought the news of the outfitting of the Expedition. The postmaster at Independence, acting under instructions from the department at Washington, refused to deliver the June mail to the agents of the new contractor, because of delay in executing acceptance of the government award of contract beyond the date fixed for execution, and "the unsettled state of things at Salt Lake, rendering the mails unsafe under present circumstances."⁵

The annulment of the mail contract, is of such importance as showing the unfair treatment of the Latter-day Saint community in Utah, that it is worthy of further consideration.

The letter from the Postal Department at Washington making the announcement of the disannulment is here given at length:

"POST OFFICE DEPARTMENT,
CONTRACT OFFICE,
June 10th, 1857.

SIR: The Indentures of Contract for the conveyance of the mails on route No. 8911—Independence Mo, to Salt Lake City, Utah, sent for execution to the care of P. M. Salt Lake City on the 16th October, last, do not appear to have been executed by you until the 24th March following. The delay in executing and the unsettled state of things at Salt Lake rendering the mails unsafe, under present circumstances, the Postmaster General declines extending the time for execution beyond the period mentioned in the advertisement; and, therefore, declines to accept

5. *Deseret News* of Aug. 5th, 1857.

the Contract executed by you. Hence your service on the route will cease.

Very respectfully
Yr. Obt. St.

WM. H. DUNDAS
2d Asst. P. M. General.

MR. HIRAM KIMBALL
Salt Lake City
Utah Territory."

It will be observed that Oct 16th is the date on which the contract was sent from Washington for execution. December the 1st was the time limit fixed in the advertisement for the execution of the acceptance. The contract mailed at Washington in the middle of October would not leave Independence until the 1st of November, and if regular schedule time was made—a thing most unlikely at that season of the year—the mail would not reach Salt Lake City until the 1st of December, the day that the time for executing the acceptance would expire. But the November mail left Independence on the 8th of November, instead of the 1st. No duplicate was mailed *via* Isthmus of Panama and California, and the eastern mail for November, with the postal contract did not reach Salt Lake City until the 24th of March, 1857, the mail for that month as also for October, having been held through the winter by the old contractors at Platte Bridge. It was utterly impossible, therefore, for the new contractors to sign the acceptance of contract within the time limit.⁶ As for the second reason assigned for refusing to deliver

6. *Deseret News* of March 25th, 1857; also of May 13th. "Our calculations concerning the arrival of the eastern mail," said the *News* of the 13th May, "have failed, after all the care that was taken to arrive at correct conclusions; but we cannot think that the failure is any fault of ours. There is some mystery connected with the matter that we have not been able thus far to solve. It is now exactly six months since Mr. Gerrish left Independence, in company with [in charge of] the November mail which arrived here on the 24th of March." Early in February "*The Mormon*," and a few lines from Delegate Bernhisel, reached Salt Lake City by the California mail, incidentally referring to the fact that the contract for route 8911—Independence, Salt Lake City—had been awarded to Mr. Kimball, but nothing could be done in the way of "signing acceptance" until the arrival of the contract. But, as we have already seen, the postmaster at Salt Lake made special contract for carrying a mail from Salt Lake eastward in midwinter; another was sent east February 7th, another in March, and another on the first of April, the first it was possible to send after the signing of the acceptance of contract; but, acting on the informal information received *via* California mail, for two months establishing and stocking of mail stations on the route had been in progress. (See *Deseret News* of Aug. 5th, 1857, for extended comment on annulment of contract, etc).

the mail to the new contractor, *viz*, "the unsettled state of things at Salt Lake rendering the mails unsafe," in this the postal department was accepting without verification and acting upon the malicious suggestion of the disappointed mail contractor, Magraw, and the disreputable Judge Drummond; gratuitously, however, extending the application of "the unsettled state of things in Utah" to postal affairs, since neither Magraw nor Drummond even hinted that the postal service was menaced by the alleged "unsettled state of things." The Latter-day Saint community in Utah of that period can well demand the judgment of History against the administration at Washington as to whether or not they were then accorded fair treatment, nor doubt the verdict.

But now look deeper into the causes, on the side of the general government, that led to this "war." It seems incredible that such an "Expedition," involving the movement of so large a body of troops and at the expenditure of millions of the nation's treasure, should have been undertaken upon the representations of a dissolute Judge, and the spite of a disgruntled mail contractor; and this, too, without one step being taken to verify the truth or untruth of the representations made; and notwithstanding also the willingness and indeed the desire expressed in Utah for such an investigation, as will appear from the following editorial in the *Deseret News*, of the 1st of July, 1857,—twenty-three days before the first word reached Utah of the military movement the administration had set on foot. It makes for its strength, too, that the editorial is addressed to "President Buchanan and Cabinet."

EDITORIAL

Advice to President Buchanan and Cabinet:—What, from Utah? Ay, from Utah. And it can come from no better source, save one, and that one other the world do not seem to be very ready to hearken unto.

"Editors and office hunters are constantly dinning the ears of the President with the cry that, 'the Mormon problem is a knotty one;' the matter becomes exceedingly complicated; 'the "Mormon" question is assuming a shape that will not permit its solution to be much longer delayed;' something, 'hit or miss,

right or wrong, must be done with Mormons;’ and so forth and so on.

“Now it is notorious to all who read and fairly think, that this noise and smoke are raised without the first shadow of occasion given by the people of Utah, who are quietly pursuing their peaceful and legitimate occupations, breaking no applicable law human or divine. But the universal yell is, ‘President Buchanan must do something with the Mormons.’ Not yet knowing how long and how well he will be able to withstand the terribly clamorous and unjust outside pressure, and we being known to be on the side of economy as well as justice, we most respectfully suggest, in case he cannot withstand the pressure, *that he select one or more civilians unbound by any ‘ism’ or ‘isms,’ if such can be found, also intelligent, strictly honorable, upright and gentlemanly, in the true sense of those terms, and send them to Utah on a short visit to look around and see what they can see, and return and report.*”

“This is certainly fair, is very economical, and should be perfectly satisfactory to the most rabid ‘Mormon’ eaters. But in case that should not suit the fire-eating, blood and thunder, * * * and fury, spoils-seeking, office-hunting and black-mail-levying portion of the community, we suggest to them that they send a committee from their own clans, and so long as they behave at all as white men should, we will guarantee that Governor Young and the people of Utah will treat them with more true courtesy and kindness than they have ever met with.”

Referring again to the documents supplied by the communications of *Messrs.* Drummond and Magraw, there exists good evidence that these were not regarded by the administration during the formation of the “Expedition” as rising in dignity beyond other “rumors” and “reports” that were current at the time. This remark is based upon the fact that Senator Stephen A. Douglas, the most potent factor of the political party in power, at the time, addressed a meeting in the statehouse at Springfield, Illinois, on the 12th of June, 1857, in which he characterized what had so far been heard concerning Utah as “rumor” and “report.” Mr. Douglas had been requested to speak at this meeting on three subjects: Conditions in Kansas; the Dred Scott case; “the condition of things in Utah, and the appropriate remedies for existing evils.”

7. The speech was published in full in the *Missouri Republican* of the 18th of June, 1857.

When Mr. Douglas came to the part of his speech dealing with Utah, he said:

"If we are permitted to place credence in *the rumors and reports from that country*, (and it must be admitted that they have increased and strengthened and assumed consistency and plausibility by each succeeding mail), seven years experience has disclosed a state of facts entirely different from that which was supposed to exist when Utah was organized. These rumors and reports would seem to justify the belief that the following facts are susceptible of proof."

"1st. That nine-tenths of the inhabitants are aliens by birth, who have refused to become naturalized, or to take the oath of allegiance, or to do any other act recognizing the government of the United States as the paramount authority in that Territory."

"2nd. That all the inhabitants, whether native or alien born, known as Mormons, (and they constitute the whole people of the Territory), are bound by horrid oaths and terrible penalties, to recognize and maintain the authority of Brigham Young, and the government of which he is the head, as paramount to that of the United States, in civil as well as in religious affairs; and they will, in due time, and under the direction of their leaders, use all the means in their power to subvert the government of the United States, and resist its authority."

"3rd. That the Mormon Government, with Brigham Young at its head, is now forming alliance with Indian tribes in Utah and adjoining Territories—stimulating the Indians to acts of hostility—and organizing bands of his own followers under the name of 'Danites or Destroying Angels,' to prosecute a system of robbery and murders upon American citizens, who support the authority of the United States, and denounce the infamous and disgusting practices and institutions of the 'Mormon' government."

Dealing with these conditions, professedly based on "rumors" and "reports," he said:

"*Let us have these facts in an official shape before the President and Congress*, and the country will soon learn that, in the performance of the high and solemn duty devolving upon the executive and Congress, there will be no vacillating or hesitating policy. It will be as prompt as the peal that follows the flash—as stern and unyielding as death. Should such a state of things actually exist as we are led to infer from the reports—and such information comes in an official shape—the knife must

be applied to this pestiferous, disgusting cancer, which is gnawing into the very vitals of the body politic. It must be cut out by the roots, and seared over by the red hot iron of stern and unflinching law. . . . Should all efforts fail to bring them [the Mormons] to a sense of their duty, there is but one remedy left. Repeal the organic law of the territory, on the ground that they are alien enemies and outlaws, unfit to be citizens of a territory, much less ever become citizens of one of the free and independent states of this confederacy.”

It was on the 12th of June that this speech of Mr. Douglas⁷ was delivered, be it remembered. The “Utah Expedition” had been projected some months before, and a number of its supply trains were now well on their way to Utah; and yet this foremost man of the political party in power, and spokesman for the administration, was confessing that no official evidence had yet arrived that justified any action on the part of the government against Utah, unless it was to be justified by the “rumors” and “reports,” on which Senator Douglas, *when they were proven true*, would be willing to proceed with the drastic measure proposed in his speech.

But why had the administration proceeded with the “Utah Expedition” in the absence of official, and well established evidence of the “rebellion” it feigned to believe existed, and proposed to repress? The question admits of but one answer: The Latter-day Saints in Utah were in popular disfavor; the Republican party, springing into existence in 1856, put forth its first candidate, John C. Fremont, a strong anti-Mormon; this fact, and its first platform, placed the Democratic party at great disadvantage before the country on the Mormon question. The Democrats had adopted the “Squatter sovereignty” doctrine of Douglas relative to the settlement of the slavery question in the Territories, namely, that when a Territory was to be admitted as a state, it should enter the Union “with or without domestic slavery” as the people might elect.⁸ Issue was taken with this position by the Republican platform adopted eleven days later at Philadelphia, in which it—

8. See Democratic platform, Cincinnati, June 6th, 1856.

*“Resolved, That the Constitution confers upon Congress sovereign power over the territories of the United States for their government, and that in the exercise of this power it is both the right and the imperative duty of Congress to prohibit in the territories those twin relics of barbarism—polygamy and slavery.”*⁹

The Republican argument then ran:—If the people of a territory have the right to determine for themselves the question of slavery, why have they not equally the right to determine for themselves the domestic institution of marriage? The Democrats did not dare to follow their principle this far in the face of popular displeasure against the Mormons, and their plural marriage doctrine; and as the people of Utah had no votes to effect the membership of either house of the national congress, or the result of a presidential election, the national administration by its Expedition and Mr. Douglas by his speech, took the first opportunity to show that they, no less than the Republican party, were thoroughly anti-Mormon; and hence this effort of the administration, and the Democratic leaders to square their party action with the demands of the popular clamor against the Latter-day Saints in Utah, must be regarded as the underlying cause of the hasty and ill-advised action of the Buchanan administrations in sending its armed Expedition to Utah.¹⁰

9. Republican Platform, Philadelphia, June 17th, 1856.

10. Elder John Taylor, successor to Brigham Young in the Presidency of the Church, and editor of *“The Mormon,”* during the formative period and starting of the “Utah Expedition” living in N. Y., and therefore informed as to the moving cause of that action, emphasized this particular cause of the “Utah War” in both his speeches and writings. In an address to the saints in Salt Lake City August 23, 1857, in explaining the cause of the army being sent to Utah, and, as he alleges, with “sealed orders,” he said: “The Republicans were determined to make the ‘Mormon’ question tell in their favor. At the time they were trying to elect Fremont they put two questions into their platform, viz: opposition to the domestic institutions of the South and to polygamy. The Democrats have professed to be our friends, and they go to work to sustain the domestic institutions of the South and the rights of the people; but when they do that the Republicans throw polygamy at them and are determind to make them swallow that with the other [i. e. slavery]. This makes the Democrats gag and they have felt a strong desire to get rid of the ‘Mormon’ question.

“Some of them, I know, for some time past, have been concocting plans to divide up Utah among the several Territories around, and I believe a bill having this object in view was prepared once or twice and came pretty nearly being presented to Congress, but that was not done. * * * They wish now to steal the Republicans’ thunder, to take the wind out of their sails, and to out-Herod Herod. Say they. ‘We, who profess to be the friends of the “Mormons” and sup-

It has also been suggested that another cause of the "Utah War" originated in the desire of the secretary of war, Mr. John B. Floyd of Virginia, "to scatter the U. S. forces and arms preparatory to the confederate rebellion."¹¹ This, however, so long before the opening of the war between the states, is of remote probability; though it may have been an after thought connected with the incident of the Expedition, which resulted in the prolonged stay of the army in Utah—until the summer of 1861, by which time the war between the states had begun.

Reference has already been made to the part which the rapacity of government contractors would likely play in giving encouragement to the "Utah Expedition," because of the opportunity it would afford for fortune making.

And now to take up the situation in Utah preceding the projection of the "Expedition," as suggested a few pages back, in order to ascertain if there was in those conditions any justification for such an action.

First there is the effort on the part of the Latter-day Saint community to establish the express and carrying company described in the preceding chapter, which by uniting with its express and carrying business, daily transportation of the mails, would give more frequent communication between the people of Utah and the eastern states, resulting inevitably in a closer union and a larger sympathy on the part of the people of Utah and their fellow citizens of the eastern states. This enterprise—as we have already seen—carrying with it such results, the people of Utah had undertaken with enthusiasm.

Second, we have already seen how the legislature of 1851-2, and legislatures at subsequent sessions had petitioned the congress of the United States to establish a weekly mail between Missouri points and Salt Lake City; to build a Territorial road from some northern settlement in Utah *via* Fillmore to southern California; that they petitioned for a geodetic survey within the Territory,

port free institutions, squatter sovereignty and equal rights, will do more to the "Mormons" than you dare do; and we will procure offices by that means and save our party,' and, as Pilate and Herod could be made friends over the death of Jesus, so they go to work and plan our sacrifice and destruction and make up friends on the back of it." *Deseret News* of 2nd Sept., 1857.

11. Taylor, *The Mormon Question*, p. 22.

in continuation of Captain Stanbury's scientific work; they asked the general government to locate, grade, and macadamize a national turnpike from the mouth of the Nebraska river to Sacramento, *via* South Pass and Salt Lake City, and this in the interest of trans-continental immigration; they petitioned for a trans-continental telegraph line and railway, *via* Salt Lake City—all this was practically petitioning for closer union and freer intercourse with their fellow citizens of the Eastern states. If the ulterior aim of the Mormon leaders was isolation of their people into a distinct and separated community, then their course involving the above mentioned efforts for more frequent intercourse and closer union with their fellow citizens of the eastern states, was destructive of such a purpose.

Third: the year preceding the coming of the Expedition the people of Utah had met with a great disappointment in the matter of an application for statehood that had been planned for by the legislative assembly of 1855. Yet, in referring to that matter in an explanatory way, Governor Young alluded to it more in sorrow than in anger, or bitterness, in the following passage—from his message to the legislature—and this is his only reference to the federal government in his message of 1856:

“In accordance with acts of the legislative assembly, a constitution was formed and adopted, the census taken, and delegates chosen to present our application to congress for admission into the Union as a sovereign and independent state. Recent advices from our delegates show that our application has not been presented, *owing to the intolerance evinced by the predominant party in the House of Representatives.*

“The enumeration of the inhabitants showed a population of near 77,000 in this Territory, and it is presumed that the addition to our numbers, since that was taken, would amount to about twenty thousand. This gives an aggregate equal to or exceeding the ratio of representation for congressmen, removing every objection, if any were made, to our admission, on the score of insufficient population.”¹²

12. *Deseret News* of Dec. 24, 1856, p. 333. In his message a year previous Governor Young had said upon the subject of statehood:

“We trust that the present congress will have wisdom to so far recognize the principle of self-government, and the genius of our free institutions, as to abolish in her territories that odious, tyrannical, and absurd system of colonial government which emanated from the British throne and place them upon that equality of constitutional rights enjoyed by the states in their internal regulations, election of officers and representation.

Fourth: as a further means of ascertaining the spirit of conditions existing in Utah prior to this armed "Expedition" to the Territory take into account the sentiments expressed at the recurring anniversary of the nation's birth—the Fourth of July. To go no further back than the year preceding the projection of the "Utah Expedition," 1856,—(the day was celebrated annually and without omission from the year of the organization of the Territory, misrepresentations to the contrary notwithstanding)¹³—the following took place:

"At sunrise the stillness of the morning was broken by firing a National Salute of 13 guns from the arsenal, which was the signal for ringing of bells and hoisting of flags.

"The mammoth United States flag was hoisted upon the Temple Block, under the direction of A. N. Hill, Esq., and flags were displayed from the cupola of Gov. Young's residence, at Livingston Kinkead & Co.'s, Hooper & Williams, Gilbert & Gerrish's and the Church Stores, Townsend's and Wilkin's Hotels, and Whitehouse's Shop, together with a great variety of banners and mottos at the different stores and private residences. . . .

"The bands under the direction of Major William Pitt, played at the residences of Governor Young, Hon. H. C. Kimball and Lt. Genl. D. H. Wells; after which all the Nauvoo Brass Band, mounted, and Ballo's and Martial Bands, in omnibuses, passed through the principal streets discoursing beautiful and harmonious strains of music, indicating to the citizens that the anniversary of American Independence was to be celebrated with joy and thanksgiving."

There was a great procession through the streets of the city, in which Hon. Geo. P. Stiles, associate justice of the United States Supreme Court, and Gen. D. H. Burr, U. S. Surveyor General for Utah, were given a prominent place—among the im-

13. It is quite generally believed that the annual celebration of the 24th of July by the people of Utah, commemorating the advent of the Latter-day Saint Pioneers into Salt Lake Valley, supplanted in their affections as in their observance the nation's birthday anniversary. In proof that this was not the case previous to the Utah expedition (and it is not true of the years subsequent to that event) I cite the account of the recurring celebrations of that event, each of which was an elaborate affair:

July 4th, 1850—*Deseret News* of July 6th, 1850.

July 4th, 1851—*Deseret News* of July 12th, 1851.

July 4th, 1852—*Deseret News* of July 10th, 1852.

July 4th, 1853—*Deseret News* of July 9th, 1853.

July 4th, 1854—*Deseret News* of July 13th, 1854.

July 4th, 1855—*Deseret News* of July 18th, 1855.

mediate guests of the Governor—and saluted with the firing of cannon. At the place of speech making the Constitution of the U. S. was presented and read by Thomas Bullock “followed by three cheers from the troops and assembled multitude, a roll of drums and music by Captain Ballo’s band.” The oration of Governor Young was a written speech, read by Thomas Bullock. Excerpts follow:

“Brethren and Friends:

“Eighty years ago, on the day we now celebrate, our forefathers, few in number but strong in their united love of right, declared to the mother country and the world that they were, ‘and of right ought to be, free and independent.’ The oppression which hastened this declaration, the long struggle, the sacrifices and hardships which followed, and the glorious results are so generally known that I need not task your patience by rehearsing them on this occasion. * * * Glancing at the past, perhaps we, as a people, have more reason to respect, honor, love and cherish the government of the United States, her Constitution and free institutions, than any other people upon the face of the earth; but it is lamentable that professed statesmen should so far deviate from wise and correct principles of republican government, as to fail of being entitled to that respect and confidence which ought to be deserved by those entrusted with its administration. In this connection, permit the reflection as to what favorable action we are indebted for our existence as a people.”

He then proceeds to acknowledge God’s providence in the preservation of the Latter-day Saints, and their establishment in Utah’s valleys, then continues:

“We live through the blessings of the Almighty, and by his providence we have nourished and sustained ourselves; we are willing to continue so to do. We came here to be free from oppression and monocracy, and we do not wish such characters to follow us, or to tarry in our midst. But we say to all lovers of freedom, virtue and good order, in every land, you are welcome, for you will respect our rights, our laws, and the legitimate obligations of our republican government.”

The difficulties encountered in the settlement of the Great Basin valleys are then discussed:

“But amid all these disadvantages, unendurable by any other people, we are still striving to extend the area of freedom, and to gladden the most uninviting domain of a great nation with the blessings and privileges of her free institutions.”

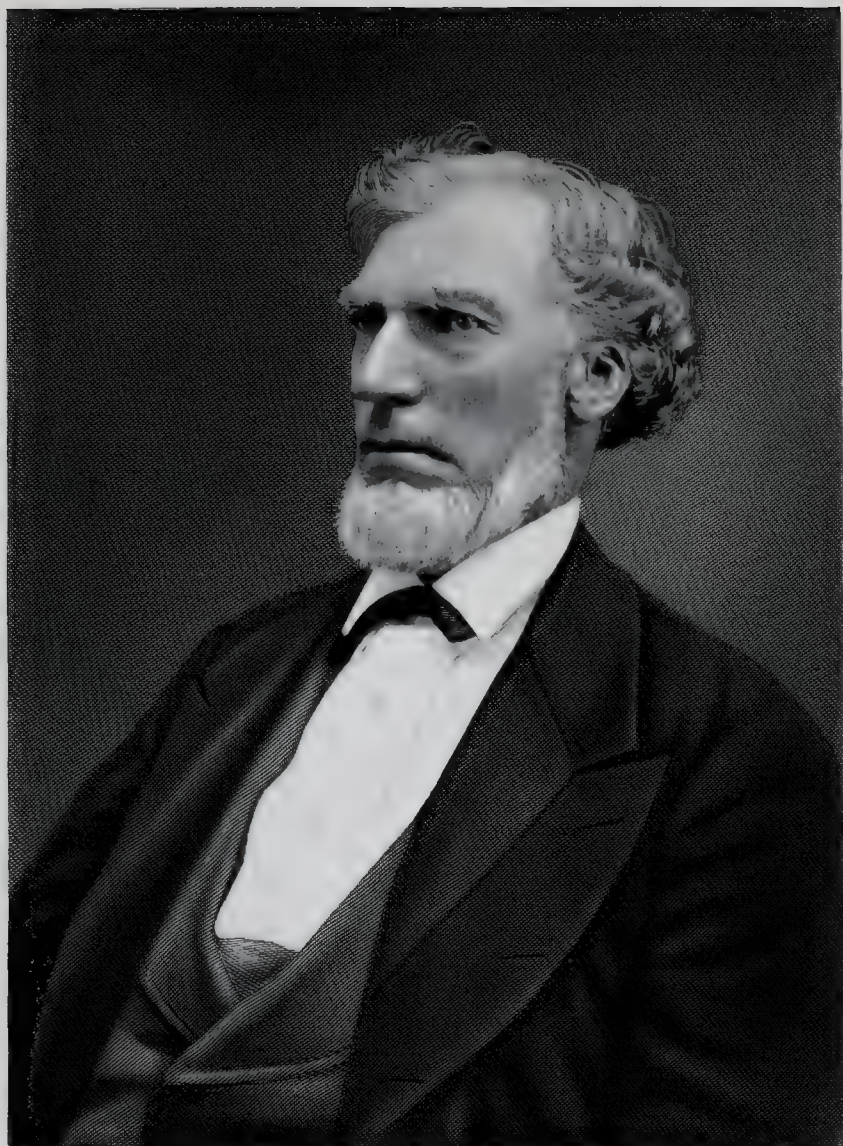
After this the speaker holds that if the Latter-day Saints “should leave these sequestered vales, they would soon revert to their former waste condition—silence would again assert her supremacy.” And then:

“The country suits us merely because no other well informed people can covet its possession. If they do, it is because they grudge us an existence upon any part of God’s footstool. There is nothing here, except what is produced by the most arduous toil, and that often unrequited, to tempt the avarice or cupidity of any reasonable creature. It is useless, therefore, for official cliques, who never have identified their interests with the welfare of this Territory, and who never intend to, to seek to dictate, govern and control us.

“In view of these facts, we fondly anticipate soon seeing the day when, in accordance with the spirit and intent of our republican government, we shall be blest with the full enjoyment of our rights and have the privilege of electing officers of our own choice, and be free from the imposition of those known to be unsolicited and unsought upon our part, and who feel no interest in our prosperity, but would much rather see us languish and come to naught.”

After discussing the evil effects of lawlessness in various places manifest throughout the United States, he strikes a truly noble and patriotic vein, in a discussion of what should be the national policy:

“Here let us pause and consider the true principles of a republican government. It is and can be based only in a high tone and sense of honor, liberal, enlightened, intelligent and extended views of human existence and progress, and a faithful adherence to the Constitution and laws of the country. The least departure from these principles, the least disregard to law, manifested and exercised by the people in their sovereign capacity, and we have the worst of all despotisms, a hundred, a thousand tyrants instead of one. Public security fails and there remains no safety for life, liberty, or the pursuit of happiness; anarchy, confusion, infuriated and maddened excitement rule supreme. * * * Neither partisan nor private feeling nor sectional strife and contentions, should be permitted to thwart



Daniel H. Wells

Portrait of Daniel H. Wells, 1860

the enlightened and conservative policy of the government. At the same time that policy should be just and liberal, and commensurate with the laudable desires and requirements of a great and mighty people. * * * Let her steadily progress in the march of improvement and patriotism and in the arts and sciences; and corresponding with a great and pacific policy, open and extend channels of trade and commerce, and provide with a liberal hand for the development of her vast internal resources by affording to her most distant States and Territories railroad facilities, magnetic telegraphs, and such other useful and important helps as shall be conducive to the public interests.¹⁴

Such the patriotic sentiments and the political principles of Governor Brigham Young, and if he had the influence with his people that is usually accorded to him, then the sentiments and the principles also of his people. And this was the Governor of a Territory against whom the fulminations of a Drummond and a Magraw were to prevail!

Among the many toasts given on the occasion here described were the following:

Brigham Young: The Champion of Constitutional Liberty.

Deseret—May she soon have her place in the Union as a State, and though last as a star in the galaxy of American glory, may her progress be like that of Venus, to usher in the light of freedom, commerce and intelligence, to the western world: based on the rights of universal justice, righteousness and loyalty to the federal government.¹⁵

In the year 1857, even when the advanced companies of the Utah expedition were upon the march—albeit unknown to the people of Utah—the Nation's natal day was fittingly observed. In the account of the celebration in the *Deseret News* of that year the boast is made that the Fourth of July was more fittingly observed in Utah than elsewhere in the land; with less of drunk-

14. *Deseret News* of July 9th, 1856, where the speech is given *in extenso*.

15. *Deseret News* of July 9th, 1856. An editorial note of the same impression says: "The Fourth of July was enthusiastically celebrated in this city, as may be readily inferred by reading the reported proceedings printed in this number. So far as we can learn, such has been the case throughout the numerous cities and settlements in Utah." The statement in the last sentence above was also quite generally what happened throughout all the years, mentioned in note 13.

eness, fighting and confusion than in the eastern states perhaps—

“But if a true love of the Constitution and the wholesome laws of the Union, and the deep gratitude for the noble action of our forefathers on the Fourth of '76 are to be the criterion, then most assuredly and indisputably does Utah shine peerless among her sisters.

“For a goodly portion of the day all business was suspended, and all offices and stores closed, that every class might participate in the parade and festivities commemorative of the eighty-first anniversary of our Independence. The Stars and Stripes and other flags gracefully floated over the Governor's Mansion, the Council House, the Deseret Store, and the Stores of Messrs. Livingston, Kinkead & Co. and Gilbert and Gerrish [non-Mormons].

“The sky was clear, the atmosphere tempered by a delightfully coolish breeze, and the index of a deep, calm enjoyment rested upon every countenance within our view.

“The military procession was imposing, and the evolution of the troops were unusually indicative of decided improvements.”^{15½}

The celebrations of the day in settlements outside of Salt Lake City seem to have been particularly numerous that year. The *Deseret News* of the 15th of July publishes the account of the celebration and gives the program of the day's proceedings in the following places: Farmington and Kaysville, Davis county; Ogden, Weber county; Grantsville, Tooele county; Pleasant Grove and Payson, Utah county. The *News* of the 22nd of July, gave the program and an account of the celebration in Provo, Utah county; and Manti, Sanpete county. Among the toasts in these outlying settlements were the following:

“*Uncle Sam*: May he remember that all domestic questions must be settled by the people.”

“*President Buchanan*: May the spirit that dictated his inaugural address guide him in his administration.”

“*President Buchanan*: The people's choice:—may he be governed by principle, and not by party cliques.”

"The Valleys of Deseret: Cradles of Liberty."

"James Buchanan, President of the United States: May he ever continue the friend of the 'hardy Pioneer.'"

"The Constitution of the United States: Be all the pain to her enemies, but champagne to her friends."

"The Constitution: May its broad wings shelter Utah."

A little homerule spice also found its way into the toasts, as witness the following:

"Here's to our friends who seek for office in Utah—may they continue to seek and die without finding it."

Fifth: It has already been noted that an effort to secure statehood was made in 1856, a constitution formed and adopted, the census taken, disclosing a population in the Territory adequate to statehood; delegates were chosen to present the application to congress (*Messrs. Geo. A. Smith and John Taylor*); but they withheld it because of the manifest prejudice existing against the Territory in the lower house of congress. This was but one of several efforts to gain admission into the Union since the organization of the Territory. The first application was made in 1849-50;¹⁶ in 1852 the Territorial legislature memorialized congress to pass an enabling act, authorizing the inhabitants to form a constitution and state government preparatory to Utah "taking her place beside her elder sisters in the great federal union."¹⁷ This request was repeated in 1853¹⁸ No heed was paid to these several memorials, but these repeated efforts to secure statehood carry with them their own comment, and argue the faith of the Latter-day Saints in the government of the United States, else they would never have sought so persistently for the admission of Utah into the American Union—their efforts to secure statehood is an evidence of their loyalty as Americans.

16. See Minutes of Convention, 15th of March, 1849, and Constitution adopted, "Acts, Resolutions & Memorials," published by order of Legislative Assembly of Utah, p. 222.

17. Acts, Resolutions and Memorials of the Legislative Assembly of Utah, Utah, 1852, p. 222.

18. Acts, Resolutions, etc., of the Legislative Assembly of Utah, 1853-4, pp. 76-7.

The Utah militia had been reorganized early in the year 1857, but with no intent to offer resistance to the federal government, as is sometimes alleged, since the people of Utah knew of no impending occasion for such resistance. The reorganization was purely in the interest of affording to the many exposed settlements security from Indian repredations.¹⁹ On this head—and there is no other purpose urged for the efficiency of the militia—the General commanding, Daniel H. Wells, said:

“Owing to the pacific policy of Governor Young, calls for active service have been few and on a small scale, yet our past experience with the aborigines of the soil has taught us the necessity of being always ready. Pompous displays in frequent musters are no evidence of strength and efficiency. Arms and ammunition ever at hand are the stronger arguments. We should aim, as much as possible, to substitute the useful for the artificial, where but one can be had. As the negligence of one man may endanger the safety of all, so let us approach our new organization that negligence may not escape its due censure and punishment.”

General Wells thanks the militia for their past service, “especially those,” he continues, “who have been ready at all times, unhesitatingly to answer my calls by engaging in the defence of our frontier settlements against a brave and subtle enemy. Under the blessings of the Almighty their energetic responses have resulted in a present general peace, and terms of friendship with our uncivilized neighbors. *As the good never wish for war, and the wise are always ready for it, let us continually seek that our weapons may be made bright and ready by our industry, and preserved so by a continued pace.*”²⁰

Nobler sentiments from a military leader, I venture to remark, will be difficult, not only to find, but to conceive.

Such then were the conditions in Utah in respect of the several things considered, and these are the things that represent the

19. The act for the reorganization of the militia was approved Jan. 14, 1857: The Lieutenant General commanding, issued his orders installing the new system of regulations on March the 27th, in “General orders No. 2.” *Deseret News* of April 1st, 1857.

20. *Ibid.*

mental attitude of mind, the status of the people relative to their loyalty to the American government.²¹ And I argue from all these conditions existing in Utah, previous to the setting out of the "Utah Expedition" to suppress a rebellion that had no existence, and that, too, without even so much as a pretense of investigation, and on the questionable testimony of a discredited and dishonored judge, and a disgruntled and disappointed mail contractor, moved by malice to make their misrepresentations of conditions in Utah, was a high crime and misdemeanor on the part of the Buchanan administration of the United States Government, against the Latter-day Saint community of Utah.

The first known steps in forming the expedition were taken by the federal government on the 28th of May, 1857, when orders were issued from the war department for the gathering of "a body of troops at Fort Leavenworth, to march thence to Utah as soon as assembled," and giving directions for their equipment and general movements.²² As already stated the formation of the expedition was carried on with great privacy by the government. Feramorz Little while assisting in western mail matters at Independence obtained some inkling of the movements of the government through numerous men who were figuring upon securing the contracts of the government for handling the supply trains of the expedition. He left Independence on the first of June, with mail that had accumulated through May, scarcely

21. The matter of severely criticising an existing, or a past, administration; the denunciation of scoundrelly United State officials, whose appointment was a disgrace to the administration who made it and an insult to the people among whom they were sent—these criticisms and denunciations, here admitted as having been freely indulged by Mormon leaders, and which is quite generally relied upon by anti-Mormon writers to prove "Mormon disloyalty"—this right of criticism, of complaint, of protest and of denunciation, is part of the reserved rights of the sovereign people in the United States. It belongs to the freedom of speech and of the press. It is as much the right of the people of the Territories as of the states. It is as much the right of the Mormon as of the Gentile or the Methodist, or the atheist. And I refuse to admit that the exercise of these rights by Mormon leaders is evidence of disloyalty to the government, or to that broader, deeper thing we call Americanism. If the test sought by anti-Mormon writers to be applied to Latter-day Saints, was applied to their contemporaries in New England, and in Kansas, and, for matter of that, to the east generally, some names now held in honor for the purity and strength of their patriotism would be relegated to the ranks of the disturbers of the land's peace, and numbered with the disloyal.

22. See House Ex. Doc. 35th Cong. No. 71, pp. 4, 5. The circular from the Commander in Chief U. S. A. will also be found complete in Tullidge's Hist. Salt Lake City, p. 121 *et seq.*

convinced, however, that such a movement against Utah was afoot. At Fort Laramie Mr. Little met Abraham O. Smoot, Esq., then the Mayor of Salt Lake City, going east with the Utah June mail. Between Fort Laramie and New Fort Kearney, Mayor Smoot met two or three hundred U. S. troops. He offered Mr. Smoot an escort to Fort Kearney, which was declined. A hundred miles west of Independence the Smoot party began to meet the heavy laden government supply trains. Captains and teamsters alike were reticent about their destination; they had government freight and were bound for some western post, the trains belonged to one William R. Russell, was the sum of the information that could be obtained. Arriving at Independence Mr. Russell was visited and from him it was learned that the destination of the freight trains was Salt Lake City, that they carried supplies for government troops who would soon follow. At Independence, too, while the postmaster there received the Utah mails, Mr. Smoot learned of the annulment of the Kimball mail contract. This was sad news, it meant that the "Y. X. Company" must needs go out of business, and accordingly its agents, under the direction of Mr. Smoot and others, proceeded to break up its stations and move its stock westward. About a hundred and twenty miles east of Fort Laramie they met O. P. Rockwell with the Utah July mail. The information he received from the Smoot party led Rockwell to decide to proceed no further eastward, but return with the west-bound brethren.

At Fort Laramie, 513 miles from Salt Lake City, *Messrs.* Smoot, Rockwell and Judson Stoddard concluded to make a forced drive to Salt Lake City with their news of the approaching army, and accordingly they hitch up two span of their best animals to a small spring wagon, and left Fort Laramie on the evening of July 18th. In five days they reached Salt Lake City, arriving on the evening of the 23rd of July, only to find Governor Young absent from the city.²³ He, with a large party of

²³. Condensed from the persona narrative of Mr. Smott, published in Tullidge's Hist. Salt Lake City, pp. 156-7.

citizens,²⁴ had gone to the head of Big Cotton wood canon there to celebrate the 10th anniversary of the entrance of the Pioneers into Salt Lake Valley, on the 24th of July. The main encampment of the celebrants was formed at Silver Lake,²⁵ where three spacious, lumber-floured boweries" had been provided by a local lumbering company, whose saw mills were adjacent, and a large number of the encampment passed the evening of the 23rd "in the joyous dance." "The stars and stripes," says the current *Deseret News* account of the celebration, "were unfurled on two of the highest peaks in sight of the camp, and on the tops of two of the tallest trees." "The different bands played at intervals throughout the day, and greatly added to the zest of the varied sources of enjoyment."²⁶

"About noon" *Messrs.* Smoot, Stoddard and Rockwell, these men with the "war news," accompanied by Judge Elias Smith from Salt Lake City, rode in upon this scene of peace and joy and patriotism. Their advent, however, did not disturb the peace and joyousness of the occasion. Their message was delivered quietly to President Young and his immediate counselors and associates. For the rest, the afternoon's merriment and enjoyment went on as if no messengers from the east had arrived. "At about sunset the camp assembled for prayers," says the account followed here, and doubtless the most reliable, since it was published five days later in the one periodical of the state—the *Deseret News*—"when President Wells made a few remarks in relation to the latest tidings from the states, upon the order of leaving the ground in the morning, and concluded with prayer."

But not even the announcement of the "latest tidings from the states," though it reported the approach of an army, and practically announced "War," could kill the joy of that occa-

24. "There were 2,587 persons in the company; with 464 carriages and wagons, 1,028 horses and mules and 332 oxen and cows." * * * Captain Ballo's Band, the Nauvoo Brass Band, the Springville Brass Band, the Ogden City Brass Band, and the Great Salt Lake City and Ogden City Marshal Bands, were in attendance; also the 1st company of light artillery, under the command of Adj. Gen. James Ferguson, a detachment of four platoons of Life Guards and one platoon of the Lancers under the command of Col. R. T. Burton, and one company of Light Infantry under the command of Captain John W. Young." (*Deseret News* of July 29, 1857).

25. An engraving of the lake, the scene of the encampment, accompanies this chapter, with a description by O. F. Whitney.

26. *Deseret News* of July 29th, 1857.

sion, or interrupt the merriment. Songs by Messrs. Poulter, Dunbar, McAllister and Maiben—local celebrities, in the vocal art—opened the evening's exercises; "after which," says our chronicle, "dancing and general hilarity continued to a late hour. On the morning of the 25th the company began to vacate the ground by daybreak, every one apparently highly gratified with the privileges they had been so blessed in enjoying."²⁷

Thus the news of the "Utah Expedition" reached Utah, and straightway activities began among the Latter-day Saints to resist the manifest injustice of this procedure on the part of the general government against a loyal, American community.

²⁷. *Deseret News*, July 29th, 1857. The report was written and is signed by Geo. D. Watt.

Historic Views and Reviews

DUTCH FARMERS ARRIVE

Three hundred more Dutch farmers who were forced by the high ground rents to emigrate from Friesland, Holland, arrived here yesterday on the liner Noordam, with their families, averaging from five to ten children each. They were all second-cabin passengers, and each farmer brought his fortune with him in the form of a draft. These drafts called for sums ranging from \$5,000 to \$25,000, and the money is to be invested for new homes of their own in Michigan.

In the party was Charles Koenig, who was accompanied by his wife and ten rosy-cheeked children, ranging from Charles, 12 years old, to Jacob, the baby, nine months old. Each of the other children had to take thirty-minute turns in caring for Jacob. They all seemed happy and contented, especially Jacob, who ate cakes and smiled at his brothers and sisters and waved his chubby little hands at the Customs Inspectors.—*N. Y. Times.*



GENERAL JOHN POPE. COPY OF AN AUTOGRAPH LETTER

MILWAUKEE, WIS., June 10, 1913.

To the Editor.

This letter, in the handwriting of General Pope, was found among the private letters of ex-Senator Doolittle in the possession of the undersigned. Undoubtedly, it was a letter of considerable significance at the time of its writing. I think its date at Milwaukee must be accounted for upon the theory that Gen. John Pope was at that time in command of the Department of the Army in the Northwest. It was about this time that draft riots were not infrequent in all parts of the country, and the military was called upon to maintain law and order. Just how Gen. Pope was able to command Judge Doolittle's attention at this

time, the undersigned has no means of knowing. The contributor does not recall that Mr. Doolittle was a member of the committee on military affairs at this time. At all events, the letter is interesting.

Of the author of the letter, General John Pope, the historian, James Ford Rhodes, in his lectures at Oxford, has this to say:

"The Western general" (meaning Gen. Pope), when called to command a new army in the East, "issued a tactless and boastful address to his new army. In military attainments he was inferior to McClellan and in temper his opposite, being an impetuous and incautious fighter. Lee and Jackson played with him, crushing and demoralizing his army."

Another writer,¹ however, refers to him in a somewhat more complimentary way. He says: "Throughout the war he was one of the most conspicuous and energetic of the patriot commanders."

Very truly yours,

DUANE MOWRY.

MILWAUKEE, May 12, '63.

MY DEAR JUDGE.—When you have finished with the letter to Mr. Chase and that map I left with you the other day will you please return them to me. I have no other copy of the letter.

In the light of our late reverses in the Rappahannock the views set forth in the letter seem to me to have especial value. Our great danger now is to Rosecrans' Army, and you can readily see that after the reverses at Charleston — Fredericksburg the enemy having little to fear in either quarter for a long time to come, can readily reenforce Bragg sufficiently from both places to enable him to overpower Rosecrans.

If Rosecrans be defeated or forced to fall back, all our forces in the West are at once precipitated upon the Free States and the Ohio river will be our most advanced line. I need not point out to you the dreadful disaster to our cause which must result from such a state of things. The only thing which protects us against it is the Army of Rosecrans, which seems to me more than ever in a critical position since late events in the East. It is idle to talk of the advance of the Potomac Army upon Richmond for some time to come with any sort of hope of success. The people do not understand & the Govt will not understand the true cause of our late reverse in the Rappahannock. I told you plainly why it happened & why it will continue to be the history of that Army.

I see no hope for us, but rather extreme danger of worse

1. John S. C. Abbott.

things, unless our military strength in the West is united under one head & some such plan as I have suggested in my letter to Mr. Chase be adopted & carried into execution *at once*.

Every day of delay endangers us more. I feel so keenly on this subject that I cannot but strive to impress it upon your mind in the hope that you may see the matter as I do and use your whole influence to arouse the President to the true state of facts and the true policy.

If you have leisure please let me hear from you on the subject as I am and shall be, restless and uneasy until I know that some steps are being taken to shield us from much greater disaster.

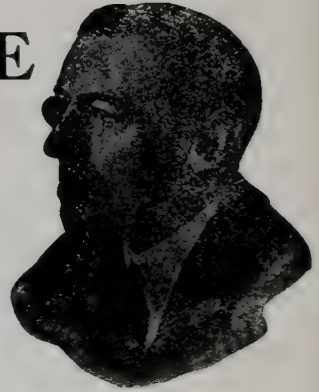
Very sincerely yours,

JNO. POPE.

HON. J. R. DOOLITTLE,
U. S. Senate.

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By the **President** of the
AMERICAN PEOPLE



Woodrow Wilson

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AMERICANA

August, 1913

Louis Joseph, Marquis De Montcalm—Gozon
De Saint—Veran

BY FRANCIS M. KIERON

Author of "The Battle of Guilford Court House," etc.

Author's Note: Especial indebtedness is acknowledged by the author to the works and writings of Francis Parkman, through the courtesy of Mr. Parkman's publishers, Messrs. Little, Brown & Company, Boston.

BRADDOCK'S Defeat! Ticonderoga! Crown Point! The Walls of Old Louisbourg! The Heights of Abraham! What names! Each one suggests the heroic age of romance in the golden history of America, gracing that critical and dramatic period called, in this country, The French and Indian War. There is an alluring charm hanging over the Monongahela, the clear waters of Lake George and Lake Champlain, the rich, peaceful valley of the Mohawk, the ruins of the ramparts and bastions of Louisbourg, and the fateful Plains behind the great rock at Quebec; and if one graciously accepts its enticing invitation, he falls under its magic and delights in the fascinating spell.

Entertaining though it is: it is in its freighted consequences that lie the first claims of that memorable war to enduring history. Its influence to this day has been profoundly deep and wide. And when will that influence cease? For, it does not seem extravagant to say, that, one of its issues is that political fabric symbolized by the Stars and Stripes.

In searching for the facts connected with the French and

Indian War, one is gratified in finding so many original journals and subsequent biographies of men taking leading and minor parts in that eventful time; yet, quite strange to say, one of the two famous military figures of the struggle has not a single, exclusive biography in English. So, on the two hundredth anniversary of the birth of that distinguished soldier,—and after years of great interest in the American history of the middle and later part of the eighteenth century,—it is with joy that an admirer writes this brief paper on the illustrious life of Louis Joseph, Marquis de Montcalm—Gozon de Saint—Veran.

Montcalm was born on the twenty-ninth of February, 1712, at the Chateau of Candiac, near Nimes, in the south of France. He came of a family distinguished for their part in military affairs: it was said of them, that, “War is the tomb of the Montcalms;” and could his loving mother have penetrated the future, she would see her tender, little infant, Louis, wax strong from his cradle, till, in the flower of his manhood, as a Lieutenant-General leading the battalions of Old France on one of the world’s decisive battlefields, a leaden bullet would hasten him from her to his grave.

When he was six years old, the honest but theoretical Dumas became his tutor. He was a stern teacher, but must have been successful for before Louis was fifteen he possessed considerable knowledge of Latin, Greek, and history. The chief difficulty that the young pupil encountered was good penmanship; but in this even years availed him nothing for during his life he never wrote a good hand. Dumas frequently saw his student in a dismal light, writing on one occasion to Louis’ father:

“M. de Montcalm has great need of docility, industry, and willingness to take advice. What will become of him?”

Young Montcalm, learning of this, took it upon himself to answer by stating his own views on what he thought he should try to be, and accordingly wrote his father:

“First, to be an honorable man, of good morals, brave, and a Christian. Secondly, to read in moderation; to know as much Greek and Latin as most men of the world; also the four rules

of arithmetic, and something of history, geography, and French and Latin belles-lettres, as well as to have a taste for the arts and sciences. Thirdly, and above all, to be obedient, docile and very submissive to your orders and those of my dear mother; and also to defer to the advice of M. Dumas. Fourthly, to fence and ride as well as my small abilities will permit."

Notwithstanding, Dumas' concern, Montcalm had a liking for books, was really a scholar, and during his whole life entertained the wish to become a member of the Academy. Louis had a brother, truly a wonder at learning, since at six, he knew Latin, Greek and Hebrew, as well, as something of arithmetic, French, history, geography, and heraldry. He was to be a priest, but his active, little brain gave way under the encouragement of Dumas, and he died at the age of seven.

As for Louis: he joined the army at fifteen as an ensign in the regiment of Hainaut. His father bought him a captaincy at seventeen, and at the siege of Philipsbourg, he was first under fire. Upon the death of his father in 1735, he became heir to quite a landed estate, heavily encumbered by debt. The friendly Marquis de la Fare endeavored to arrange a marriage to strengthen Montcalm's position and enhance his prospects of promotion, and there followed his espousal of Mademoiselle Angélique Louise Talon du Boulay. Ten children were born to this happy couple. "May God preserve them all," writes Montcalm in his autobiography, "and make them prosper for this world and the next!" Speaking of his large family and moderate fortune, this Christian father asks: "But does God ever abandon his children in their need?" When home from war at his seat at Candiac, he enjoyed to be in the bosom of his family—his wife, children, and mother. He was greatly influenced by his mother, a woman with unusual strength of character.

He took part in the Bohemian campaign in 1741; was made colonel of the regiment of Auxerrois two years later, and passed scatheless through the severe fighting of 1744. In the following year he fought under Maréchal de Maillebois in Italy. In 1746 in the unlucky fight under the walls of Piacenza he twice rallied his regiment but was finally taken prisoner, after receiv-

ing five sabre wounds,—two being on his head. He was paroled, went to France, and was made brigadier in the following year. He was soon exchanged, joined his army, and then received a musket shot. During 1748 repose came with the peace of Aix-la-Chapelle. How quickly and how fatally was Montcalm with his native land to exchange the blessings of tranquility for strife, we shall presently see.

France was the leading power of the continent; Spain, alone, led her in Colonial possessions; England, their ambitious rival, watched. Military strength, commerce, and colonial aggrandizement incessantly engrossed the attention of the political ministers of Europe. Their suspicious watchfulness was the prime cause of that series of turbulent wars that during the eighteenth century made that continent one wide battlefield littered with mangled, groaning forms, and rigid ones, silent, yet exceedingly eloquent in death. Added to jealousy and greed came their offspring, hate; and, coupling those three formidable enemies of peace with the degeneracy and immorality of the age, we can have some tangible conception of how the eye of human justice was blinded in those tempestuous times.

The luxury and splendor of the court of Versailles presided over by Louis XV and his mistress, Madame de Pompadour, bespoke the excesses of time. New thought of every kind ran rampant: Voltaire lived and wrote, as did scores of others with a cure-all, rudely elbowing each other and shouting for a hearing. History records the eventual outcome of such insane rushing from Christianity in that blood smeared page entitled, The French Revolution. But, henceforth, it is with America that this paper is to be chiefly concerned, so, let a glance be given there:

In North America the English Colonies occupied a lengthy strip along the Atlantic Ocean. They were increasing in population and would need more territory. Early English patents covered grants from the Atlantic to the Pacific indicating the magnitude of the mother country's claims; and now she was even more anxious than her Colonies to immediately settle and hold that region drained by the Ohio River and its tributaries.

France, on her part, claimed, by right of discovery, all of the

vast continent from the Alleghanies to the Rocky Mountains, and from Mexico and Florida to the far north except the English possessions on the border of Hudson Bay. It was naturally her policy to build forts along the Mississippi and Ohio, her arteries of communication, to successfully join her possessions on the St. Lawrence and the Lakes with her settlements in Louisiana; and to look upon any English infringement as vitally hostile.

Nor were these two bellicose giants of the Old World the only claimants of this immeasurable, terrestrial waste in the New one. For on its undulating, pleasant woodlands; in the recesses of its dark forests; and far westward on its sunny prairies, by silver lake and stream and mighty coursing rivers, lived in careless joy its aboriginal possessors. The Indians, indeed, were its rightful owners, and it was with saddened hearts that they beheld encroachments. Yet, for the most part, they were friendly to the French whose missionaries, by tireless energy, extraordinary fortitude, and indescribable sufferings, had converted to Christianity a large number of these savage people.

The Ohio Company, composed largely of influential Virginians, procured a grant of five hundred thousand acres in the contested region of the Ohio from the King of England; and sent Christopher Gist to explore and select the land. A fragment of his journal describing the country in the vicinity of the Indian town, Pickawillany, on the upper waters of the Great Miami, runs thus: "It is fine, rich, level land, well timbered with large walnut, ash, sugar trees and cherry trees; well watered with a great number of little streams and rivulets; full of beautiful natural meadows, with wild rye, blue-grass, and clover, and abounding with turkeys, deer, elks, and most sorts of game, particularly buffaloes, thirty or forty of which are frequently seen in one meadow." If Mr. Gist could have gone a little farther west he would have found them by thousands.

Sometime after making his report, Gist acted as a guide to a youthful Major whose abundant good sense, capacity, and self control were already conspicuous. This was George Washington, the future Father of Our Country, who bore a letter from Governor Dinwiddie of Virginia to *Legardeur de Saint-*

Pierre, commander at Fort Le Boeuf on one of the upper reaches of the Alleghany River, now called French Creek. Washington presented his letter to the French Commander, December twelfth, 1753. Dinwiddie wrote that he was astonished that Saint-Pierre's troops should build forts on lands "so notoriously known to be the property of the Crown of Great Britain," and, in short, he required the peaceable departure of the French. Washington made use of his trip by making military observations; but Dinwiddie's demands did not succeed in inducing the French to quit the country. In those contested parts some French and Canadians carried on trade with the Indians, as did also a few venturesome English colonists

On May twenty-eighth, 1754, in the depths of a primeval forest of that region, at the head of thirty-three men, Washington gave the order to "fire" on a hostile French party who were defeated and made prisoners. This miniature battle enveloped the hills and valleys of America, the plains of Europe, and the whole civilized world in the flames of war. During the following year, in the dense woods near the Monongahela, was enacted that striking object lesson in American warfare called Braddock's defeat in which the French and Indians came near to completely destroying the British troops engaged. That same year is notable, too, for the removal of the Acadians from their lands and homes,—one of the saddest facts in American History. Dieskau, that brave German baron, who led the French is an effort to drive the English from Lake George back to Albany, first was successful in an ambush, known in New England fireside story as the "bloody morning scout;" and then Johnson and Lyman, later in the day, badly defeated his army in the Battle of Lake George. Dieskau, dangerously but not deadly wounded, was taken prisoner on the field. There were also fights on the ocean and general hostility between the countries, yet war was not formally declared until May eighteenth, 1756. It was known in Europe as the Seven Years War. There it was complicated: England and Frederick the Great of Prussia were desperately fighting most of the powers of Europe; and on that continent as well as in America it was to be a momentous

conflict. We are now prepared to turn more particularly to Montcalm:

France was now to pursue a policy whereby the great preponderance of her military efforts was to be spent in Europe; while, New France,—for such was the name of her possessions in America,—in a large measure, was forsaken to fight its own battles. She did make one priceless contribution to her colony, in anticipation of the declaration of war, by sending a wise, capable, and intrepid general to replace the worthy Dieskau. In the late days of the Autumn of 1755, while Montcalm was visiting at Paris, the minister, D'Argenson, intimated to him that he might be chosen to command the French troops in America. Nothing further was said on the matter till, after his return home, when he received a letter from D'Argenson, written at Versailles at midnight of the twenty-fifth of January. "Perhaps, Monsieur," it ran, "you did not expect to hear from me again on the subject of the conversation I had with you the day you came to bid me farewell at Paris. Nevertheless I have not forgotten for a moment the suggestion I then made you; and it is with the greatest pleasure that I announce to you that my views have prevailed. The King has chosen you to command his troops in North America, and will honor you on your departure with the rank of major-general."

His second in command with the rank of brigadier was the Chevalier de Lévis, later in life a Marshal of France. The Chevalier de Bourlamaque, with the rank of colonel, was his third officer. At this time, too, his joy was made complete by the appointment of his eldest son to the command of a regiment in France. While on his way from Candiac to the court he read Charlevoix; and from Lyons he wrote his mother: "I take great pleasure in it, he gives a pleasant account of Quebec. But be comforted; I shall always be glad to come home." From Paris he wrote: "Don't expect any long letter from me before the first of March; all my business will be done by that time, and I shall begin to breathe again. I have not yet seen the Chevalier de Montcalm (his son). Last night I came from Versailles, and am going back to-morrow. The King gives me twenty-five thousand francs a year, as he did to M. Dieskau,

besides twelve thousand for my equipment, which will cost me above a thousand crowns more; but I cannot stop for that. I embrace my dearest and all the family." He was with his son a few days later. "He is as thin and delicate as ever, but grows prodigiously tall."

He wrote to his mother on the second of March:

"My affairs begin to get on. A good part of the baggage went off the day before yesterday in the King's wagons; an assistant-cook and two liverymen yesterday. I have got a good cook. Estève, my secretary, will go on the eighth; Joseph and Déjean (his servants) will follow me. To-morrow evening I go to Versailles till Sunday, and will write from there to Madame de Montcalm (his wife). I have three aides-de-camp; one of them, Bougainville, a man of parts, pleasant company. . . . I embrace you all."

On the fifteenth:

"In a few hours I set out for Brest. Yesterday, I presented my son, with whom I am well pleased, to all the royal family. I shall have a secretary at Brest, and will write you more at length."

At Rennes, three days later, he wrote to his wife:

"I arrived, dearest, this morning, and stay here all day. I shall be at Brest on the twenty-first. Everything will be on board on the twenty-sixth. My son has been here since yesterday for me to coach him and get him a uniform made, in which he will give thanks for his regiment at the same time that I take leave in my embroidered coat. Perhaps I shall leave debts behind. I wait impatiently for the bills. You have my will; I wish you would get it copied, and send it to me before I sail."

When he reached Brest, the place from which he was to embark, he sent this message to his mother: "I have business on hand still. My health is good, and the passage will be a time of rest. I embrace you, and my dearest, and my daughters. Love to all the family. I shall write up to the last moment." Of another time he wrote: "I like the Chevalier de Lévis, and I

think he likes me." Bougainville, his first aide-de-camp, was an accomplished young man, whose merits were appreciated by Montcalm, and they became close friends.

In keeping with the French policy, but twelve hundred men,—two battalions, one from the regiment of La Sarre and the other from that of Royal Roussillon,—were sent to aid New France. Parkman mentioning this fact writes, "Louis XV and Pompadour sent a hundred thousand men to fight the battles of Austria." However, as many as embarked for America, did so "with an incredible gayety," says Bougainville in a fragment of his Journal. "What a nation is ours!" he exclaims. "Happy he who commands it, and commands it worthily!"

Montcalm writes about the voyage to his wife:

"I have been fortunate in not being ill nor at all incommoded by the heavy gale we had in Holy Week. It was not so with those who were with me, especially M. Estève, my secretary, and Joseph, who suffered cruelly,—seventeen days without being able to take anything but water. The season was very early for such a hard voyage, and it was fortunate that the winter had been so mild. We had very favorable weather till Monday the twelfth; but since then till Saturday evening we had rough weather, with a gale that lasted ninety hours, and put us in real danger. The fore-castle was always under water, and the waves broke twice over the quarter-deck. From the twenty-seventh of April to the evening of the fourth of May we had fogs, great cold, and an amazing quantity of icebergs. On the thirtieth, when luckily the fog lifted for a time, we counted sixteen of them. The day before, one drifted under the bowsprit, grazed it, and might have crushed us if the deck-officer had not called out quickly, 'Luff.' After speaking of our troubles and sufferings, I must tell you of our pleasures, which were fishing for cod and eating it. The taste is exquisite. The head, tongue, and liver are morsels worthy of an epicure. Still, I would not advise anybody to make the voyage for their sake. My health is as good as it has been for a long time. I found it a good plan to eat little and take no supper; a little tea now and then, and plenty of lemonade. Nevertheless I have taken very little liking for the sea, and think that when I shall be so happy as to rejoin you I shall end my voyages there. I don't know when this letter will go. I shall send it by the first ship that returns to France, and keep on writing till then. It is pleasant, I know, to hear particulars about the people one loves, and I thought that my mother and you, my dear-

est and most beloved, would be glad to read all these dull details. We heard Mass on Easter Day. All the week before, it was impossible, because the ship rolled so that I could hardly keep my legs. If I had dared, I think I should have had myself lashed fast. I shall not soon forget that Holy Week."

Those easy, natural thoughts were penned on the eleventh of May, in the St. Lawrence, ten leagues below Quebec, while the ship lay at anchor, hindered from going farther up by the ice. Again he writes:

"I see that I have plenty of work." For he had proceeded to the city by land, and had had his first glimpse of America. "Our campaign will soon begin. Everything is in motion. Don't expect details about operations; generals never speak of movements till they are over. I can only tell you that the winter has been quiet enough, though the savages have made great havoc in Pennsylvania and Virginia, and carried off, according to their custom, men, women, and children. I beg you will have High Mass said at Montpelier or Vauvert to thank God for our safe arrival and ask for good success in future."

This paper has made use of the translations from the French by that indefatigable researcher, and vivid and scholarly narrator, Francis Parkman.* In speaking of those portions of Montcalm's letters, just quoted, Mr. Parkman says:

"These extracts are translated from copies of the original letters, in possession of the present Marquis de Montcalm."

Montcalm was at once to meet a Canadian between whom and himself there was to be constant irritation. It was no less a personage than Pierre Francois Rigaud, Marquis de Vaudreuil, the governor-general, who was a son of Philippe de Vaudreuil, a governor-general of Canada during the early part of the century. Vaudreuil had hoped to command the troops himself; but the court of France entertained different and wiser views. This disappointment and the natural jealousy with which a Canadian generally beheld those who came from Old France was, more or less, the cause of their disagreement. They met at Montreal. Polite language always passed between them, but, it appears only too true, that Vaudreuil was constantly

*Permission was obtained by the author through the courtesy of Mr. Parkman's publishers, Messrs. Little, Brown & Company, Boston, for such use.

trying in one way or another to undo the General of the royal troops. Montcalm, on his part, with more frankness, must have piqued, at times, not only Vaudreuil, but others by his quick, forceful speech, and lively gesticulating in exciting argument, but could scarcely have done further injury. Here it should be observed, that a praiseworthy virtue of the Governor was his love for the Canadians and the colony.

Montcalm now addressed himself to his task of preparation to fight. The battle front that met his sweep, and was embellished by the Red Cross of St. George, had its right in Acadia (now Nova Scotia) and its left in the sunny confines of Georgia. The twelve hundred thousand people living within the colonies of that narrow strip along the ocean were divided in interests and sympathy. Although they at first acted discordantly, if, indeed, they acted at all; yet, now, they were becoming congealed in a common cause, and unlike their rival, New France, were to receive the efficacious aid of the mother country. England with her numerous warships and trained soldiers was from time to time to give freely of them for American sieges and battles.

As for Canada: it had about fifty-five thousand people. During May, 1755, France sent six battalions under Dieskau, numbering three thousand men in all, and as we have seen, sent a bare twelve hundred with Montcalm. These with the few Canadian regulars did not make a host from which an ample deduction would have to be made for those lost in the ill-fated campaign of Dieskau, and in other ways. There were, however, a few scattering French soldiers besides those just enumerated. The naval aid of France was weak, and as time wore on, was almost suppressed. But it was in Nature's advantages that New France was strong. Between it and the English were vast forests peopled by Indians friendly to the French. The only ways by which the heart of Canada could be reached were by the St. Lawrence or Lake Champlain, Louisbourg and Quebec, the former at the mouth of, and the latter far up that broad river, were the eastern sentinels and fastnesses. They were the strongest fortresses in the New World. On the west, Canada was protected by a series of perilous rapids in that great

river; while on the south, an enemy would be immediately brought face to face with the cannon of Ticonderoga, and, about twenty miles further up, with those of Crown Point, if he dared to launch into the waters of Lake Champlain.

With the mere handful at his command, Montcalm by brilliant movements began to act on the offensive. The first was his attack on Fort Oswego on Lake Ontario at the mouth of the Oswego River. That important post had been held by the English who needed it to aid in the capture of Niagara and Frontenac, two French posts on the lake; and to prevent the French from coming in undivided numbers for any campaigning about Lake Champlain; and more; it was a military virtuality appeasing and emboldening the Five Nations of the Iroquois who dwelt in those parts pledged to take up the hatchet against the French through the dexterity of Sir William Johnson. Montcalm had had his experience with the Indians that were to choose the French side in the combat, and he did not fall in love with them for among other things he wrote his mother:

“One needs the patience of an angel to get on with them. Ever since I have been here, I have had nothing but visits, harangues, and deputations of these gentry. The Iroquois ladies, who always take part in their government, came also, and did me the honor to bring me belts of wampum, which will oblige me to go to their village and sing the war-song. Yesterday we had eighty-three warriors here, who have gone out to fight. They make war with astounding cruelty, sparing neither men, women, nor children, and take off your scalp very neatly,—an operation which generally kills you.”

Montcalm leaving Montreal reached Fort Frontenac in eight days by that watery pathway, the St. Lawrence. From there with the battalions of La Sarre, Guienne, and Béarn, some colony regulars, a body of Canadians, and about two hundred and fifty Indians,—above three thousand in all,—and with a copious supply of artillery, he crossed Lake Ontario to the east side and secretly landed in the neighborhood of Oswego. Early on the morning of the eleventh of August, (1756), Descombles, the engineer, while reconnoitering the fort before dawn, was mistaken for an Englishman and shot dead by an Indian. Captain Pouchot, of the battalion of Béarn, took his place. The French worked

fast. The Indians and Canadians from under cover of the woods fired through the day on the fort.

There were three forts at Oswego. Fort Ontario was considered the best. It was star shaped, made of the trunks of trees, and situated on the right bank of the river where it enters the lake. Its garrison fired vigorously on Friday, the thirteenth, but as night was about to draw on, they crossed the river in boats and joined Colonel Mercer, the commandant, and most of the other troops in the work called Old Oswego. All this was before the cannon in the trenches had begun to fire. Montcalm quickly placed a heavy battery on the high ground near the abandoned fort from which next morning poured grape and round shot that raised havoc among the English. The unfortunate Colonel Mercer was cut in two by a cannon-shot, whereupon the defenders losing heart soon dispaired and gave themselves up as prisoners of war. Happily the loss of life was small, indeed, the English lost less than fifty and the French still fewer men.

Over one hundred pieces of artillery, mostly of a light nature, with a large supply of powder, shot, and shell fell into the hands of the victors who burned the forts, planted a cross, and near it a pole bearing the arms of France, after which, they departed for Montreal with sixteen hundred prisoners. Montcalm and his troops had saved the French communications with the West for all that year; upset the plans and hopes of England and her Colonies; and filled New and Old France with joy.

When golden autumn gave place to Canadian winter, Montcalm had new sensations. For then the rivulets, that in the warm summer fretted over the stones through the rich meadows or in the green forest, stiffened in their courses; and the giants of the great woods, that in the spring were fragrant with balmy odors, groaned and moaned in their nakedness while the chill breezes came down from the frozen North. When he withdrew to his maps and plans of an evening he could see, coming from the gray clouds, countless, silent, white flakes; and in the sunshine of the next morning, looked out upon a sparkling, snowy waste covering the valleys, plains, and mountains. In the calm after protracted storms, he greeted Indian and Canadian couriers fresh from some distant post or deed; or saw them on their ski

hurrying off into the trackless wilderness, where in a reigning stillness, seldom broken save by the wolf, they glided swiftly league on league, sometimes, among the very tree tops,—scattering snowbirds at their play,—and over buried meadow, and impassible swamp, cleaving to their course, like blood-hounds on their scent.

There were constant bush-fights between the Canadians and English with the indispensable Indian on both sides. But no great movement was successfully carried out through the winter. At Montreal gayety came in for no small share of the attentions of the civil and military officers. Montcalm's mind was often in his native land: to his wife he writes, "There is not an hour in the day when I do not think of you, my mother, and my children." He took pleasure in his country home, and before he left it had installed a mill to grind olives for oil. He received from the King the decoration of the order of St. Louis. In telling Madame de Montcalm of this honor he concluded, "But I think I am better pleased with what you tell me of the success of my oil-mill." The festivities, especially the dinners and great suppers cost him, for his part, much more money than he cared to spend. His station obliged him in this. Canadian prices were exceedingly high. Writing again:

"It is very expensive, not very amusing, and often tedious. . . . I like my gallant Chevalier de Lévis very much. Bourlamaque was a good choice; he is steady and cool, with good parts. Bougainville has talent, a warm head, a warm heart; he will ripen in time. Write to Madame Cornier that I like her husband; he is perfectly well, and as impatient for peace as I am. Love to my daughters, and all affection and respect to my mother. I live only in hope of joining you all again. . . . Adieu, my heart; I adore and love you!"

"I count on having news to tell you by the end of this month or the beginning of next," wrote Montcalm to his wife, in the first days of July, 1757. The French were to strike a blow at the English on Lake George, and, if they could, would penetrate even to Albany. The Indians had been gathering to join them. They were all curious to see Montcalm. Bougainville recorded in his *Journal* what one of the orators from Michilimackinac had to say

to the general of the French: "We wanted to see this famous man who tramples the English under his feet. We thought we should find him so tall that his head would be lost in the clouds. But you are a little man, my Father. It is when we look into your eyes that we see the greatness of the pine-tree and the fire of the eagle."

Near the end of July, eight thousand men,—French, Canadians, and Indians,—were gathered on that high rocky promontory, Ticonderoga, hither they had come by bateaux and canoes from the North. The Indians were numerous, constituting nearly two thousand of the party, and representing forty-one tribes and sub-tribes, among which were embraced the Iowas from the distant banks of the Des Moines, whose language no interpreter understood. Speaking of the Indian allies, Bougainville writes, "I will say it once for all, one must be the slave of these savages, listen to them day and night, in council and in private, whenever the fancy takes them, or whenever a dream, a fit of the vapors, or their perpetual craving for brandy, gets possession of them; besides which they are always wanting something for their equipment, arms, or toilet, and the general of the army must give them written orders for the smallest trifle,—an eternal, wearisome detail, of which one has no idea in Europe." They ate a week's rations in three days, and came for more, with pendants hanging from their noses and ears; with feathers or trinkets fastened to the small tuft of hair at the top of their heads; and with faces and bodies "painted into vermillion, white, green, yellow, and black, made of soot and the scrapings of pots" they afforded a novel sight for the French officers. Once after they had been denied brandy, they grew restless, and, for the most part, paddled away to a place on the lake near which were many rattlesnakes. There they awaited the army and gave themselves over to killing the reptiles; and when the French came up they found their restive allies soothing themselves by smoking their pipes.

The army was now advancing upon Fort William Henry, some on the crystal waters of Lake George, and Lévis with twenty-five hundred men marching by land as there were not bateaux for all. Montcalm had left a small body of troops at

Ticonderoga, so those with him now numbered about seven thousand six hundred. They arrived and bivouacked, on the evening of August second, hidden from the English by a point of land. That night while two boats were reconnoitering from the fort, they were discovered, and soon the lake swarmed with birch canoes filled with Indians giving the war-whoop. The English were either killed or dispersed through the adjoining woods, save three who were taken before Montcalm to whom they divulged welcome information about the British works. There was but one Indian shot, but he, a noted chief of the Nipissings, was much bereaved by his tribesmen who gave him an elaborate and ceremonious funeral.

Fort William Henry was protected on the north by the lake, on the east by a marsh, while on the south and west there were ditches with *Chevaux-de-frise*. It was defended by two thousand two hundred men commanded by a courageous Scotch officer, Lieutenant-Colonel Monro to whom Montcalm addressed these words:

"I owe it to humanity, to summon you to surrender. At present I can restrain the savages, and make them observe the terms of a capitulation, as I might not have power to do under other circumstances; and an obstinate defence on your part could only retard the capture of the place a few days, and endanger an unfortunate garrison which cannot be relieved, in consequence of the dispositions I have made. I demand a decisive answer within an hour."

The answer came that the commandant and his men would fight till the last.

Montcalm, as usual, lost no time. The trenches were soon opened and eight hundred men with axes, picks, and spades, worked through the night; while the English cannon roared and hurled deadly iron at the toilers. The French batteries were erected in due time and kept up a telling cannonade. Fort Edward was fourteen miles south, garrisoned by sixteen hundred men, and under the direct command of General Webb, who had eight hundred more assigned in detachments at Albany and interlying forts; but he did not come to the aid of Fort Wil-

liam Henry, which, under the pressure of the siege, was obliged to surrender on the ninth. Montcalm called the Indian chiefs to council before he signed the capitulation. They promised to observe the conditions, and keep their warriors from every disorder. This was not to be the case, and one of the sad and horrible sights of savage massacre was presently to be witnessed. First seventeen wounded men of Col. Frye's Massachusetts regiment were dragged from their huts, tomahawked, and scalped; and then, when the prisoners, according to the terms of the surrender, were being escorted under guard to Fort Edward, the rear of the marching column, comprised of New Hampshire troops, was attacked by the Indians with the result that eighty were dragged away or killed. Montcalm, Lévis, Bourlamaque, and many other French officers rushed to the wild and bloody scene, Montcalm crying:

"Kill me, but spare the English who are under my protection."

Their efforts prevailed; but their task was by no means finished, for about six or seven hundred of the unfortunate garrison were in the hands of the savages who tore their clothes from them. Montcalm recovered over four hundred of them during the day; while the French officers did what they could to relieve their wants by buying back their clothing.

The fort was demolished, its timbers burned, and the victorious general and his army re-embarked on the sixteenth.

Montcalm went to Montreal, and in September to Quebec. There he writes to his wife:

"The price of everything is rising. I am ruining myself; I owe the Treasurer twelve thousand francs. I long for peace and for you. In spite of the public distress, we have balls and furious gambling."

In February he returned to Montreal in a sleigh over the frozen St. Lawrence. He declared it to be a cold but delicious ride. The governor and the general were more than ever at variance with each other. To his mother he says:

"I never ask for a place in the colony troops for anybody. Nevertheless I live here on good terms with everybody, and

do my best to serve the King. If they could but do without me; if they could but spring some trap on me, or if I should happen to meet with some check!"

The intendant of New France was charged with the trade, finance, justice, and all other departments of civil administration. In Montcalm's time there, Francois Bigot, a dishonest Frenchman, was the incumbent in that high office. He and his unscrupulous colleagues and associates in every possible way, and notably, in handling all the supplies for the army and garrisons, defrauded the King and his treasury, and the people of Canada of millions of francs. His efforts to have one Joseph Cadet, son of a butcher at Quebec, made commissary-general were successful in 1756. In the next two years Cadet with his accomplices cleared twelve million francs. Vaudreuil became the advocate of Bigot when the colonial minister took up the matter, and for Cadet, he asked a patent of nobility as an appreciation of his services. The speculators were tried after the war in France. Vaudreuil was acquitted, but Bigot was banished for life, his property confiscated, and was condemned to pay fifteen hundred thousand francs. Cadet's punishment was somewhat easier, and the others escaped with still lighter penalties.

It can be seen, therefore, that New France's trouble with those from without was scarcely greater than that sapping of her vitals by those from within. Montcalm saw it, as did other French officers. In a letter to the Minister of war Montcalm says: "It seems as if they were all hastening to make their fortunes before the loss of the colony; which many of them perhaps desire as a veil to their conduct."

Pitt who was now in full power in England was determined to take Louisbourg. Accordingly he sent over General Amherst with eleven thousand six hundred soldiers, and Admiral Boscawen with a large fleet to lay siege to the "Dunkirk of America." On and near the tempestuous coast of Cape Breton they battled with the Chevalier de Drucour and his brave Frenchmen within the thick stone walls until the canon of the fortress were silenced, and a breach made. The white flag was raised July twenty-sixth, 1758, and the way paved for Pitt to strike at Quebec.

Pitt's second aim was to take Ticonderoga, and General Abercrombie with fifteen thousand men were assigned to the task. Montcalm was there to meet them with but thirty-six hundred. At first he did not know where he should make his stand, but at last chose the ground just outside the works of the fort. His men hastily built breastworks of the trunks of trees cut from the foreground. All the trees within musket shot of the breastworks were cut down, and if not otherwise used were allowed to remain to hinder the advance of the British host. Just outside the wall of logs the French had covered the ground with heavy, sharpened boughs that pointed toward the faces of the expected assailants. This was all done in one day. The troops took a much needed night's rest and were refreshed and ready on the morning of July eighth, 1758, to receive the British assault.

The English had added another military voyage to the romantic history of Lake George. With flying colors and martial music, their red and blue uniforms, and their gay spirits they made the waters a mirror of a splendid spectacle. Soon after landing they were saddened by the death of Lord Howe, who was said to be the life of the army. He was shot through the breast by a hostile party of Canadians and regulars, who were out reconnoitering. Only about fifty of the three hundred and fifty constituting that party escaped back to the French works, for the whole British force was near at hand.

The English were ordered to carry the breastworks with the bayonet, and about noon advanced to the charge. The French opened a terrible fire, and aided by the excellent impediments in front, they kept the determined regulars and provincials of Abercrombie at a safe distance. Montcalm, with his coat off, directed the center. His able lieutenant, Lèvis, was on the right, and Bourlamaque on the left. The brave assailants held their ground outside, and charged in a concentrated assault about five o'clock, and again at six; while all the time from the smoking muskets and cannon of the defenders, they were pelted with bullets and grape shot. The French fought gayly, shouting *Vive le Roi!* and *Vive notre Général!* in outbursts of exultation. As evening came on, the defeated host withdrew to their camp,

depleted by nineteen hundred and fifty-four of their rank and file. Montcalm had lost behind the log wall three hundred and seventy-seven; Bourlamaque was seriously, and Bougainville slightly wounded.

Montcalm moved among his men, thanking them for their gallant resistance. Next morning Lévis with a strong detachment marched to the landing-place of the English, and found that they had gone in precipitate haste. They left several hundred barrels of provisions, a large quantity of baggage, and, in a marshy place, many of their shoes.

Montcalm erected a large cross on the field of the battle, and caused it to be inscribed with Latin lines composed by himself. He also had inscribed on the cross a paraphrase of the same in French. Here is a rendition:

“Soldier and chief and rampart’s strength are naught;
Behold the conquering Cross! ’T is God the triumph wrought.”

The rapturous delight of this signal victory,—without Indians, with but four hundred Canadians, and preëminently achieved by the white clothed battalions of his native land,—was presently gloomed for Montcalm by the jealousy of Vaudreuil; and to his mother he wrote:

“Never was general in a more critical position than was I: God has delivered me; His be the praise! He gives me health, though I am worn out with labor, fatigue, and miserable dissensions that have determined me to ask for my recall. Heaven grant that I may get it!”

Old France appreciated Montcalm, had previously given him virtual leadership in her colony, and now made him a Lieutenant-General. In brief, she trusted exceedingly her meritorious son, who brilliantly typified her when she was her better self: Christian, chivalrous, successful.

But the fateful tempest, which was to dissipate forever the rule of the Bourbons in Canada, was gathering fury to ultimately discharge an exterminating blast. The writer would

gladly dwell more at length upon those operations which immediately preceded, and hastened the fall of New France; but to do so, would be to extend this paper too long. In the present effort he must be satisfied with saying, that, during 1758, both Fort Frontenac,—the key to Ontario and the great lakes,—and Fort Duquesne,—the menacing post on the right of the French,—fell into the hands of the English.

Montcalm, his gifted officers, and faithful soldiers had more than held their own at the center. Pitt now directed a great fleet, and General James Wolfe with nearly nine thousand British regulars to take Quebec. Bougainville had made a voyage to France to solicit aid for her colony, and among other things asked for a squadron to defend the mouth of the St. Lawrence; but in the main his requests were not granted. He carried back sad news to Montcalm, for just before he embarked on his voyage to America, he heard of the death of one of his general's daughters, though he could not learn her name: "I think," said the father, "that it must be poor Mirète, who was like me, and whom I loved very much." Further particulars never reached him.

When it was learned that Wolfe and his army with the formidable British fleet were to attack Quebec, every preparation was made to repel them. Vaudreuil and Montcalm with sixteen thousand men were there. Of course, the preponderance of this force consisted of Canadians, the remainder being regulars and Indians. The great rock on which the city was built was considered impregnable. Montcalm at first thought of encamping his army back of that citadel on the plains of Abraham; but he and Vaudreuil eventually decided to post them along the St. Lawrence below the town, with his right resting on the St. Charles and his left on the Montmorenci.

The English arrived on June twenty-sixth, 1759, and anchored near the south shore of the Island of Orleans, a few miles below Quebec. Although Wolfe soon took possession of Point Levy across the St. Lawrence from the city, yet he was in no way able to make any impression on the defence. Far up the broad river the range of steeps protected the French in

that direction; and, when he undertook to dislodge Montcalm from his earthworks near the Falls of Montmorenci, the French killed and wounded nearly four hundred and fifty of his men,—chiefly the grenadiers and Royal Americans,—and drove the others off. Montcalm had won another victory: he was still undefeated. His actions at Quebec suggest the watchfulness and carefulness of Washington in his movements while campaigning against Howe before the battle on the Brandywine.

The delicate but indomitable Wolfe became desperate; and, under the cover of darkness on the night of September twelfth, he, with about forty-eight hundred men, began that daring enterprise of scaling the heights of Abraham, from a landing place above the city, where the St. Lawrence makes an indenture, since called Wolfe's Cove. At an early hour on the cloudy morning of the thirteenth, the plateau above was thronged with scarlet coated men, and those in plaid and kilt.

This happy and audacious essay of Wolfe's was facilitated by a feint, during the evening, on the part of Admiral Saunders, who, with the main part of his fleet, lined up before the Beauport shore,—directly in front of Montcalm's position,—letting down his boats filled with men, under a deafening and protracted discharge of his cannon. Montcalm was deceived, and expecting another attempt at his entrenchments, gathered his troops to be ready to withstand their anticipated assailants. Not that he had neglected the neighborhood above Cape Diamond: for the contrary was the case, since weeks before, he had sent Bougainville with fifteen hundred men, and later doubled that force, that his lieutenant might watch and take care of matters in that quarter. But Wolfe deceived and frustrated his young opponent, who, later in life, was also to become celebrated, as one of the greatest of French navigators.

The Chevalier Johnstone says that Montcalm took no rest through the whole night. He, attended by Johnstone and Colonel Poulariez, walked the field about his headquarters until one in the morning, and seemed exceedingly unsatisfied, although, of course, he knew nothing of Wolfe's bold action.

About six in the morning the general and Johnstone rode toward Vaudreuil's headquarters, which were nearer the city than his own, and when opposite the governor's house, saw the

British on the heights. "This is a serious business," he declared; and sending Johnstone off with all haste to bring on the troops from the center and left,—those on the right being already in motion,—he urged his animal with his spurs across the bridge of the St. Charles to the eventful battle-field, gazing steadfastly and speaking to no one.

The battalion of Guienne was already on the plains, and that of La Sarre, Languedoc, Roussillon, and Béarn, with a body of Canadians and Indians, followed their general in breathless haste. Montcalm was surprised to see so large a British force: he had anticipated a detachment. Nevertheless, he was in no way dismayed. He waited in vain for the forces from the left of the camp. Vaudreuil kept them, it is said, since the English might attack the earthworks at Beauport. Nor was the general much more successful when he asked Ramesay, the commander, of the garrison of Quebec for twenty-five field-pieces; for he was allowed but three. Not this merely, but when he and his officers held council their better judgment ever seems to have failed them. Contrary to his decisions in all the operations of the campaign until this decisive moment, impetuosity appears to have prevailed with him; for he decided to make the attack without the cooperation of Bougainville who was in force in the enemy's rear. There existed still other conditions disadvantageous to a favorable issue for Montcalm on that day. They were these: Wolfe's soldiers were splendid regulars. Montcalm's troops of the line were numerically inferior; his Canadians and Indians, while brave and preëminent bush fighters, yet, were not of great value on the open field; and these three elements of his force when taken together, and which actually advanced to the attack, were just about equal to the number of British that actually received them. The Plains of Abraham, in the heart of the wilderness of America, were a perfect model of an European battle-ground: a tract of grassy land, quite level, with a few corn fields, some clumps of bushes, and where the battle was fought was not a mile wide. Wolfe had nothing to wish for, save that Montcalm would fight.

Did a farseeing, loving Providence destine all this? That the fate of the Canadians should be thrust into other keepers' hands; that they might escape that foul and unnatural revolution which

was soon to convulse their mother country; and that they,—being permitted to continue in their religious faith,—should reciprocate the favor, until today they are among the loyalist people of the British Empire. But to return to the narrative:

The Canadians and Indians, and the three field-pieces kept up a steady fire on the enemy; and the skirmishers and light infantry of Wolfe replied. Near ten o'clock, after Montcalm had spoken a few words in his ardent, forceful way to his men, the grand advance was made. Joseph Trahan, one of the Canadians, then a boy of eighteen, used to relate in after years: "I remember very well how he looked, he rode a black or dark bay horse along the front of our lines, brandishing his sword, as if to excite us to do our duty. He wore a coat with wide sleeves, which fell back as he raised his arm, and showed the white linen of the wristband." The army advanced in three bodies, regulars in the center, and regulars and Canadians on both wings. Their general was leading them, and in their ardor they cheered vehemently. As soon as they were within range of the English they began to fire, and the Canadians throwing themselves on the ground to reload, badly broke their ranks.

The British on their part held their fire until the French were within forty paces; and, when, after their long and courageous wait, their musketry ultimately crashed, then crashed again, and then broke into a fast fire of a minute or so, they caused death and havoc in the ranks of the enemy. When the smoke rose, the order came to "charge," and with cheers and Highland yell they pushed forward, some firing, some with the bayonet, and the clansmen threw away their muskets and drew their broadswords. Wolfe led the Louisbourg grenadiers, and although shot in the wrist, and struck a second time while at their head, he continued to advance till a third ball lodged in his breast. Lieutenant Brown, of the grenadiers, and others rushed to his aid and carried him to the rear. He asked them to lay him down, and when they inquired if he would have a surgeon, he declared: "There's no need, it's all over with me." One of those who were with him cried: "They run; see how they run!" "Who run?" demanded Wolfe. "The enemy, sir, Egad, they give way everywhere!" "Go, one of you, to Colonel Burton," directed the dying general, "tell him to march Webb's regiment down to Charles River, to

cut off their retreat from the bridge." He turned on his side, when he had given this last command, and with a low voice added, "Now, God be praised, I will die in peace!" and in a few moments the soul of the famous leader left the field.

Montcalm was nearing the walls of the city carried on by the retreating wave when a ball passed through his body. Two of his men aided him in keeping his seat, and led his horse into Quebec through the gate of St. Louis. As they entered they were met by an excited crowd of people; a woman among them recognizing the general, and seeing the streaming blood, exclaimed, "Oh my God! my God! the Marquis is killed!" Seeking to solace them, their fatally-stricken protector replied, "It's nothing, it's nothing, don't be troubled for me, my good friends."

The English after a time gave up the pursuit. Bougainville appeared in their rear, at noon; threatened them; and then withdrew. In killed, wounded, and missing, the English loss was six hundred and sixty-four; and, according to Vaudreuil, that of the French was six hundred and forty.

Confusion reigned in the city, and in the camp at Beauport; while the victors were fortifying themselves on the plains. A letter was carried to Montcalm from a council of war held by the governor at his quarters. They sought the dying general's advice, and a brief response came from him, which in substance was: there are three courses from which to choose,—fight a second time, retreat on Jacques-Cartier, or surrender the colony. But explains Foligny,—a French officer, who witnessed the scenes at Beauport,—“The loss of the Marquis de Montcalm robbed his successors of their senses, and they thought of nothing but flight.” However, the city did not immediately raise the white flag; although the troops at the camp retreated in haste.

Young surgeon Arnoux examined Montcalm's wound, and announced that it was mortal. "I am glad of it," calmly declared the general, and he asked how long he had to live. Arnoux answered, "Twelve hours, more or less." "So much the better," said the Marquis. "I am happy that I shall not live to see the surrender of Quebec." When Ramesay, commander of the garrison, came to receive directions, he replied: "I will neither give orders nor interfere any further. I have much

business that must be attended to, of greater moment than your ruined garrison and this wretched country. My time is very short; therefore pray leave me. I wish you all comfort, and to be happily extricated from your present perplexities." To Brigadier Townshend, Wolfe's successor, he wrote: "Monsieur, the humanity of the English sets my mind at peace concerning the fate of the French prisoners and the Canadians. Feel towards them as they have caused me to feel. Do not let them perceive that they have changed masters. Be their protector as I have been their father."

The Marquis received the last Sacraments from the hands of Bishop Pontbriand, himself dying with a fatal disease. At four o'clock the next morning,—the fourteenth,—the spirit of the soldier peacefully passed away. He was buried in the chapel of the Ursuline convent, the grave being partly dug by a bursting shell. Three priests of the Cathedral, several nuns, Ramesay and his officers, as well as a large number of people of the town were in attendance at the rite. The body was let down into the grave by the light of torches; and then reads the chronicle of the Ursulines of Quebec: "the tears and sobs burst forth. It seemed as if the last hope of the colony were buried with the remains of the General." "In truth," says the historian, Parkman, "the funeral of Montcalm was the funeral of New France." As a matter of fact, Vaudreuil and Lévis held out at Montreal for about a year; but the result was unavoidable, and, when that city was about to be attacked, the governor gave up Canada.

Montcalm was small of stature. He possessed handsome features, and a vivacious countenance as may be seen in a likeness, long since in the possession of his descendants. Once, when the writer was looking at a copy of that painting, the idea came to him that this soldier was effeminate in facial expression: whereupon, a puff of wind blew the tissue paper protecting it over the picture, and to his surprise he saw the general sternly watching him through the thin screen. Removing the sheet, which hid all but the firmer outlines of the Marquis' face, he noted the signs of strength, at first obscured by those softening tokens of the cultured and kindly man.

THE END

A Question of Veracity

CAN THE ORAL TRADITIONS OF HIS TRIBE, AS PRESERVED IN THE SPEECH OF DR. PETER WILSON,—BORN ABOUT 1810, GRADUATE OF HAMILTON UNIVERSITY, HEADMAN OF THE NEW YORK CAYUGA FROM 1839 UNTIL HIS DEATH IN 1872,—BE CONSIDERED AS EXACT TESTIMONY IN THE SETTLEMENT OF A LEGAL DISPUTE AT THE PRESENT TIME?

BY GRACE ELLIS TAFT

Author of Various Papers of Equal Historic Interest Published in "The American Antiquarian," "Records of the Past" and "Red Man"

I

ONE man's word, unsupported by either the evidence of contemporaries or documents of some kind, is rarely accepted as conclusive testimony in the decision of legal disputes. Such, however, is the status of facts given in the speech of the Cayuga chief, Dr. Peter Wilson, written to be delivered before the Land Office of New York state in 1850, but not so delivered, and read as testimony in the examination of Indian witnesses in May, 1889, long after his demise. This speech follows herewith, giving his exact statements as to the various councils held by the Cayuga tribe of Indians living in New York, with those resident in Canada. His testimony as to the councils of 1812 and 1840 was accepted as conclusive by the state officials of his day, and an adverse decision was rendered

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to the plea of those Cayugas who lived in Canada, for a portion of the annuity paid only to the American portion of the tribe since 1812. The history of Dr. Wilson is related in New York public documents, and also in the various papers written by the author of this article and published in "Red Man," "The American Antiquarian" and "Records of the Past." As a bit of Indian oratory, the work of an honorary graduate of a New York state college, his address is eloquent of the wrongs and injuries sustained by his impoverished kinsmen.

This famous speech was commented on in 1889 by General James C. Strong, attorney and counsel for the Canadian Cayuga, living in Buffalo, New York, who said in part:

"As the speech of Dr. Peter Wilson has been given to you to read, I feel called upon, in justice to my clients, to show you the evident inaccuracies and false statements contained in it."

. . . "The foundation upon which he builds the superstructure of the speech is, that the Cayugas in Canada are a part and portion of the Cayugas who made the treaties of 1789 and 1795. The superstructure is to show that, although they are a part of the nation, they have lost their right to any claim of the annuity. On an examination of the speech, it will be seen that the superstructure is full of inaccuracies and inconsistencies, to call them by no harsher terms." . . . "He says: 'Prior to the war of 1812, the property and interests belonging to the Six Nations were owned equally and alike, whether residing in the States or in Canada; that when the United States government paid the annuities in goods or in money the Six Nations of Canada were immediately notified by our people, and they came over and obtained their share of the annuities and presents; and when the British government paid the annuities and presents due the Six Nations our people were in turn notified, and they immediately repaired to Fort Erie on the Canada side. It was at this place the British government were wont to pay the annuities and presents, because it was the most convenient and accessible to the Six Nations living under the two governments.'"

"The whole story is a fabrication, originating in his and his associate's brain. I say associate, because it is evident some

white person must have gotten up and written this speech, or assisted greatly in so doing, as I will show before I finish. It was written evidently for the purpose of influencing the board of commissioners of the land office. It must be remembered that Dr. Wilson was a Cayuga Indian, and that he was peculiarly interested in the case.

“It is in proof before you that this story is untrue; that nothing of the kind ever took place. The records of the Canadian government show the story untrue, as they show that that government never paid any annuities or presents at Fort Erie, and also, that the Cayugas (as a band) never received any annuity or present from the Canadian government until after the war of 1812. These are proofs that can not be gainsaid, and far outweigh the bare assertion of an advocate pleading his own cause.

“Again, he says that just prior to the war of 1812, a council was held between the American and Canadian Indians, and proceeds to put a speech into the mouth of a chief of the Canadian Iroquois, and also to make one for Red Jacket.” . . . “One of two things is certain, and must be obvious to every one who reads these speeches, that this whole council business is a manufacture of the advocate and his associate’s brain, or there must have been a stenographic reporter present at the council, and Dr. Wilson had possession of his transcribed minutes, thirty-eight years afterward.” . . .

“Again, we find him asserting that an agreement was made between the Indians of both countries, whereby each should be at liberty to take up the hatchet for the country of their residence.” . . . “The clause in the Treaty of Ghent is almost proof positive that there could have been no such agreement; for had there been, the clause to restore their share of the annuity to them would not have been put in the treaty.” . . .

“We have offered no proof in relation to the proceedings of the council Dr. Wilson says was held in 1840. He says he was a delegate to it and attended it. Here we are again treated to an exhibition of this wonderful memory and powers of speech-making. He puts” . . . “such words into the mouths of his actors as he pleases and then quotes those very words against

them in other parts of his speech. I do not know whether such a council was ever held or not, for I have not examined the records on that point, but even if it was, after seeing the doctor's natural bent, it requires an extraordinary amount of credulity to believe what he says as to what took place at it, speeches and all." . . .

"Again, Dr. Wilson entirely ignores and fails to mention the historical fact, established beyond a doubt, that O-ja-ghet-ti, or Fish Carrier, was the head chief of the nation at the time the treaty of 1795 was made." . . . "To sustain his statement, the worthy doctor treats us again to one of these highly-wrought brain imaginings, and speech-making qualities. He pictures an aged chief of the Western band on his deathbed calling 'a young man' to his bed-side." . . .

"They were mere statements without proof, and it is obvious that the board of land commissioners so considered them, for they made no decision upon the matter before them, but simply held it open, allowing things to remain just as they were, for the express purpose of giving Dr. Wilson an opportunity to prove his statements." . . . "You must also remember that the Canadian Cayugas were only ignorant Indians, and had only a Seneca Indian (Nathaniel T. Strong) to manage their affairs for them, and is it to be wondered at that they became discouraged and disheartened." . . .

"It must be a wonderfully credulous person who can believe that tradition could pass down those flowery speeches verbatim, as given by Wilson, and, if it did not do so, then they were made up at the time for the occasion, and, if made up, Wilson was deceiving the land board, for he alleges positively that those very speeches were made at the ancient council, and at the death bed of the aged western chief. It is asking too much of us to believe he is telling the truth."

This scathing commentary on Dr. Wilson's apparent statement of facts was not accepted by the state government, who seem always to have placed implicit confidence in the dealings of the most educated Cayuga of his day. The Indian investigation, at which Dr. Wilson's speech was read, is reported in N. Y. Senate Document 58 for 1890. It was held at Buffalo, New

York, September 10, 1889, before J. G. Johnson, attorney for the committee, Senators Vedder, Laughlin and Pierce of the state committee, General J. C. Strong, representing the Canadian branch of the Cayuga tribe, and Messrs. C. H. Richey and H. J. Wickham, who stood for the Canadian government. Many Indians, of both the United States and Canadian colonies of the Cayuga, were called to the witness stand, and presented some quaint and interesting data in regard to their tribal history.

In considering Dr. Wilson's speech one must regard the well-known and highly honorable facts in connection with his career, both as Indian and physician.

Dr. Peter Wilson was of mingled Cayuga and Seneca extraction, and previous to his election as a Cayuga chieftain in 1839, was also a chieftain among the Seneca. At one time he became Grand Sachem of the Iroquois. College-bred, possessed of eloquent tongue and deep love of his people, he bent every gift to the defence and enlightenment of the tribal remnant, which he had saved from annihilation by land-sharks in 1846. He was, indeed, a "prejudiced witness," but one who had long proven his reliability in word and deed. Comparison of the two statements of fact does not prove him untruthful; though his apparent ignorance of O-ja-ghet-ti, the Cayuga war chief, residing in Canada, who carried there the duplicate 1795 treaty, is remarkable, as Dr. Wilson had visited the Grand River reservation on British territory. He many times visited Buffalo and Erie, which makes his statements in regard to annuities seem practically correct. As to the flavor of his oratory, the physician of Cattaraugus needed no assistance in the formulation of his thoughts.

The mere fact that oral tradition was his only historical basis is truly Indian. The trained memories of savage priests and chieftains retained for years, and passed on for centuries, the brief details of tribal migrations and councils,—often clouded by oratorical imagery such as conceals, but does not necessarily falsify, the tale of the preservation of the "treaty of 1795."

At this Buffalo examination, dozens of Indian witnesses brought interesting details to light in regard to the modern history of this oppressed tribe, every inch of whose lands in New

York state had been wrung from them, in spite of manifold treaties promising reservations to the Cayuga. The testimony of the noted Cayuga chieftain, and the doubts cast thereon by his eminent legal adversary seventeen years after Wilson's death, are exceedingly interesting when considered in relation to the recent struggle to obtain repayment for the whole Cayuga nation in 1912, one hundred and eighteen years after their lands were taken away.

II

SPEECH OF DR. PETER WILSON, HEADMAN OF THE NEW YORK CAYUGA, 1850

"There are many very important facts connected with the history of the Iroquois which cannot be found upon the pages of history, there being no documentary evidence to bring them to light.

Under these circumstances you are to determine upon this subject from oral traditions of our people, as I shall relate them to you, and in doing so I shall endeavor to do these traditions justice, and show you that the subsequent action of the parties concerned is strictly in conformity with the provisions of the contract. Hence, in the absence of documentary proofs, you are to rely upon the evidence which may be presented to you, and which should appear most plausible.

We have asserted that a division of property and interest was made prior to the war of 1812, between the Six Nations of Indians residing within the jurisdiction of the United States and in the British dominions. This is denied by the other party. I have had the fortune of seeing my aged forefathers, who had the charge of our affairs at the time when the events I am about to relate occurred, and whose names are identified with the diplomatic history between the Six Nations and the United States. Young King, a Seneca, was my grandfather. Often have I listened to his narration of thrilling events that occurred in his time, and of events that occurred many winters before.

Prior to the war of 1812 the property and other interests belonging to the Six Nations were owned equally and alike,

whether residing in the States or Canada. That is to say, when the United States government paid the annuities in goods or in money, the Six Nations of Canada were immediately notified by our people, and they came over and obtained their share of the annuities and presents; and when the British government paid the annuities and presents due the Six Nations, our people were in turn notified, and they immediately repaired to Fort Erie, on the Canadian side. It was at this place that the British government were wont to pay the annuities and presents, because it was the most convenient and accessible to the Six Nations living under the two governments. On the other hand, the United States government made such payment at Ga-non-da-guat (Candaigua), being the locality of the residence of the then agent, and the terminus of civilized communication. The lands reserved by the Six Nations on this side of the lines were equally the property of those in Canada, and they had the same right to till and an equal voice in selling their lands, while the lands granted to the Six Nations by the British government (a tract of land twenty-four miles wide, and beginning at the sources of the Grand river, thence down to its mouth) were equally the property of those that remained within the jurisdiction of the United States. In fact, all of their interests were one and indivisible. The chiefs of both sections were wont to meet at the same council fire. They knew no party or section among them, but all endeavored to advance the best interests of the Iroquois; thus peace and harmony dwelt among them till the year 1812.

People destined to destruction are impelled by uncontrollable circumstances to work out their own ruin. A rupture between the United States and the British government was about to take place. Our chiefs and headmen supposed, from certain signs (proclamation of non-intercourse law), that war was inevitable. A council was immediately convened, comprising the chiefs on the American side.

The whole subject of the state of political affairs of the two white governments under which the Iroquois resided was fully discussed, but none could tell the reason why war was declared. A discussion arose as to the duty of the Iroquois in the matter.

It was not long before they came to the conclusion that they

had nothing to do with the quarrels of the pale faces, much less its origin. At this council it was determined to send a deputation of chiefs and headmen to their brethren in Canada to confer with them and persuade their brethren there not to take up the hatchet nor go into the warpath. A delegation was immediately appointed to go to the Grand river. The delegation that went on the mission of peace were Red Jacket, Farmer's Brother, Young King, Destroy Town, Cap. Cole, Col. Silver-smith, Hard Hickory and Capt. Smith, all eminent alike for their patriotism, wisdom, love for their people, heroism and love for peace.

I believe he, too, was present, for I have heard him tell the occurrences of those days many a time. I think I did not mention your father's (Strong's) name, but I have no doubt he was one of the number for he, too, regarded the interests of his people. Upon the arrival of our delegation at their destination, a council was immediately proclaimed. Council being convened, and after the usual preliminaries in opening the council, and mutual congratulations, the chief orator of the Canadian Iroquois closed his remarks by saying: "Now, brothers, our ears are open, and we are ready to receive your words. You will therefore pour out the things you have in your minds for our consideration. The path is clear, open your hearts, conceal nothing, for in this way alone will ye have relief."

Whereupon, Red Jacket arose and addressed the chiefs of the Canadian Iroquois as follows: "Brothers of the long-house: Many winters ago, and long before the pale faces came to this country, our wise forefathers established the confederacy of the Five Nations, which linked into one band of brotherhood the Mohawks, Oneidas, Onondagas, Cayugas and the Senecas.

"Laws and regulations were established by our wise ancestors for our government, and in order the more firmly to bind and cement the union of the component parts of the confederacy.

"Brothers, we are told by the wise De-ga-na-wi-da that so long as we keep the union firm we shall be invincible and terrible to our enemies, and prosperous and happy at home.

"Our ancient confederacy did prosper under the teachings of our wise men, and were happy until the white man came here,

when our council first was scattered, and the great council house was pulled down."

The orator continued to rehearse their history since their first intercourse with the whites, during the War of the Revolution, and subsequent treaty of peace with the young republic. That war between themselves, brought about by the whites, was the chief cause of their decline.

"And now," said he, "another war is about to take place between the father and son. These, your friends, whom you see are come on a mission of peace. The causes of the controversy between the Bostonians and the English, the Iroquois know nothing about. He has no interest in the matter; therefore the Iroquois should permit them to settle their difficulties without our interference. You have emanated from our bosom. We are of the same blood; we are relatives, brothers, kindred all; therefore it would be wrong for us to go on the warpath and take up the hatchet against one another. If the Iroquois remain neutral, neither of the governments will compel us to fight. Let us not," said he, "mar the ties of consanguinity; then our posterity will forever respect us for our prudence, and honor us for our wisdom. On the other hand, if we are now to sever the bonds of friendship and consanguinity, depend upon it, we shall entail misery and ensure the destruction of our people. Let us, therefore, mutually bequeath to our children the blessings of peace."

The Mohawk chief replied first, by denouncing the delegates as the rebel sons, that they had joined themselves to the rebels, the Bostonians, that their minds could not unite with those from the country of the Bostonians, that they were true to their allegiance, and would take up the hatchet in favor of the great father, the king.

"I am a warrior," said he, "and I am no coward; the Great Spirit made me a warrior, and I shall not defeat his purpose. I shall fulfill the object of my Maker. Those that desire peace, are those that deserve not the name of warriors. They are cowards all." He closed his speech by an eloquent harangue, and called upon all who were friendly to his views, to withdraw from the council and to have nothing to do with negotiations. All of the Mohawks followed, while the rest remained with mute astonish-

ment. The Canadian Iroquois sat in low consultation, and in a short time they told our delegates that they had come to a conclusion upon the subject which had been presented to them. They apologized for the unprecedented behavior of the Mohawk chieftain of his tribe. After a brief review of the speech delivered by Red Jacket, in which they admitted that the motives of our delegates were good and founded upon humane policy, "but," said they, "we can not relinquish the good friendship of our great father, the king; we shall fight in his cause. We regret that we are unable to please you, but we are compelled to make this determination because we are pledged to sustain the king. You may do as you please. For our part, when the war whoop is raised, we shall know no neutrals. We shall strike all Bostonians alike."

Our delegates, having received this answer, soon replied that they would be compelled, if necessary, to take up arms in favor of their great father, the President. Whereupon an agreement was affected that each party should be at liberty to take up arms in favor of its own "great father." The subject of their common property and mutual interest then came up for discussion. Each party had equal rights in all the property owned by the Iroquois. Upon this subject it was mutually agreed that thereafter they should no longer participate in the annuities or emoluments flowing from the governments they were to oppose; but each division should take the whole from the government to which it is allied, and that the lands should also be the sole property of the division occupying the same at the time of the contract. In other words, that all property and interests on the British side should belong solely to the British Indians, while the property and interests on the American side should be the sole property of the American Iroquois. Thus a mutual division of property was effected and the parties separated in peace; and from that day to this our people have never crossed the lines to obtain their annuity from the British crown, neither have our people interfered in the sales of their lands, nor at any time claimed any portion of their annuities. The Canadian Iroquois have also faithfully fulfilled the contract.

You are possessed of the history of the war of 1812. Our peo-

ple took up arms in favor of the United States and protected your frontier. At the close of the war a council of the Six Nations was called by the "Great World," the British superintendent. Under the direction of the governor-general of Canada, a special invitation was given to our people, and the council was convened at Fort George. Here "Great World" said to the two divisions of the Iroquois: "You are all now present; listen to what I have to say. Peace is once more established between the British and the United States governments. I have being instructed by the great father, the king, to assemble the Iroquois, and advise them to forget what has passed, and hereafter live in peace. Follow the example of your pale-faced brethren, who have now made peace. They have settled all difficulties. They have wiped away all the blood that has been shed. The paths are all open across the rivers. The arrangements are so complete and good that although a white cloth was laid in the path no blood would be seen upon it."

The two divisions of the Iroquois made peace in pursuance of the advice. "Great World" then addressed the Canadian Iroquois; praised them for their faithful adherence to their allegiance, and for their bravery in the late conflict, and consoled them for the loss of a portion of their braves; that their great father would bestow large presents upon the relatives of Indians who were killed in the battles and during the war; that he would also continue the annuities and presents heretofore paid and given to them; and that these would be paid as long as trees grew and water ran. He then addressed the Iroquois from the American side, and said: "As for you, the king, your great father, forever disowns you, because you have become rebel sons like the Bostonians. You have struck the tomahawk into his head; you have spilled his valuable blood. He has withdrawn all he has heretofore agreed to do for you. You shall no more receive any presents from him, nor will he pay you any more annuities. You shall not share with his good children of the Six Nations, who stood by him and espoused his cause. The king grants you peace; therefore, go back to the country of the Bostonians."

Whereupon the chief speaker of the Canadian Iroquois arose

and made a speech of condolence to our delegates. He said: "You have now heard the decision of the king, and when the king decides he never retracts; therefore you need not anticipate any change in the decision just made known to you. You understand that you are forever disowned; that the king gives you peace, but restores you not to his favor. The path between us is now made clear. Peace is also restored between us; but our great father, the King, has disowned you and confiscated your rights; and while we are sensible that the king has pushed you off, we rejoice that you are not unprovided for.

"We all know our agreement just before the war, when we made a division of our property and interests; and we of the Six Nations on this side, do now again confirm said agreement. We shall never claim any portion of your lands and annuities, but they shall solely be yours and your children's, forever."

The council adjourned, and since that time no important council of the two divisions of the Iroquois has been convened until the year 1840, nearly thirty years afterwards; neither have the Six Nations claimed any of the property or annuities of any portion of the Six Nations on the American side till this year. In 1840, when the treaty of 1837 and 1838, between the United States and the Six Nations, was ratified by the Senate of the United States, and the proclamation made by President Van Buren, a large majority of the Six Nations were opposed to the sale of their lands and their removal to the western country. By the provisions of the said treaty they found that their removal was inevitable.

They, therefore, counseled together, and finally determined to dispatch messengers to the Six Nations in Canada to inform them that our people desired to sit in council with them once more; that in our peculiar state of affairs we desired their advice. The Six Nations received our message, and they immediately appointed the time of the convention of all the Six Nations. I had the fortune to be one of the delegation of six Cayugas who represented the Cayuga tribe from the American side at that convention. The whole subject of the nefarious treaty of 1837 and '38 was brought up by the representatives of the Six Nations from this side, and the delegation asked for a

reunion of the Six Nations of the two sections of the country; that it was our opinion that if we were to remove to the western country that the whole race would soon be exterminated, and for the purpose of preserving the Six Nations more effectually, we desired a reunion; that if the Canadians approved and seconded our wishes, that we would return and make arrangements for our removal to Canada, and that we would bring our all, our income and the principal of moneys invested in State and general governmental stocks. We were answered that they "deeply felt our misfortune, and sympathized with us in our affliction. We regret," said they, "that the pale faces, the Bostonians, still pursue the Iroquois, in spite of the many good promises of your great father, the President, that the people of the United States shall never take your lands away from you. We further regret that you had chosen the Bostonians for your friends instead of the English. You must be aware that the property and interests of the Iroquois was divided many winters ago; that we on this side have the good fortune to possess living witnesses to the agreement, persons who were present at the two council fires at the time the agreement was made, and the reconfirmation of the same. The property which has just been taken away from you by the treaty was yours and you only are the losers. We still adhere to the agreement when the division of our mutual property was made.

"We can not consent for a reunion; we, therefore, can not help you, nor interfere in your affairs. All we have to advise you is to be prudent, and do the best you can for yourselves and your women and children." Thus the facts that a division of interest has been made many winters ago was in 1840 as fresh in the minds of the Canadian Iroquois as they are in ours to-day. They did not desire a reunion of interests, or in any manner interfere with the contracts made by our forefathers. They had then "living witnesses who were present at the two great council fires."

It is alleged on the part of the opposition, that we can show no written contracts of this agreement, and that contracts of such great importance, made between Indians, are always made in writing and witnessed; and that the Canadian Cayugas now

show the "counterpart of the treaty of 1795," between the Cayuga nation and the State of New York; that said counterpart was deposited with the Cayugas of Canada as the majority of the nation.

It is well known that contracts, however important, when made between Indian tribes or committees, are never reduced to writing. With the Indian, his word is law, and his promises are made but to be fulfilled. Take the case now before us: Neither of us can show any contract of the agreement, but, nevertheless, the contract has been held sacred and inviolate for more than thirty winters. Their memorial (Canadian's) represents "that since the year 1809, the Cayugas residing in Canada have not received any share of the annuities due from the State of New York to the Cayuga Nation." If the Cayugas of Canada had a just claim to these annuities due us from the State of New York, why did they remain in silence for more than thirty years? Why did they not make their claim the first year after it ceased to be paid to them? Why did they not claim these annuities when they had the "counterpart of the original treaty in their possession," which they now produce to validate their claim? The plain truth is this: They knew they had no legal claim to these annuities; they had the "fortune of having living witnesses who were present at the two great council fires" when the agreement of the division was first made. They also knew, even as late as the year 1840, that we also then had living witnesses of the contract; but in the summer of 1847 a portion of the Cayugas, that removed west of the Mississippi river, returned, and brought the sad tale that all the old chiefs of the Cayuga nation on the American side had died, as well as the rapid extinction and decline of the tribe. This mournful information having reached the ears of the Canadian Cayuga chiefs, and the exhibition of the said "counterpart of the original treaty," by one of the returned emigrants from the Western country, with whom said document was deposited, made these Canadian Cayuga chiefs, who had faithfully, for more than thirty years, kept the contract inviolate, forget that contract, and now, in the year 1849, come to claim these our annuities. Oh, unfortunate Cayugas, I mourn for you. It is

not enough that you are afflicted with the loss of your fathers, your aged men, your chiefs, your warriors and the greater portion of your once proud and happy people; but to make your ruin and extinction more certain, and to embitter the few days left you, these foreigners come to take the last vestige of what you possessed—your all.

One word more on the subject of written contracts between Indians. Written contracts are usually made when there is a third party, but the third party must be a white person, having an interest in the matter. But when contracts are made between two or more tribes of Indians, however, important, no written contract is necessary.

I will now proceed to inform you how the Cayugas of Canada obtained the “counterpart of the original treaty.” All the treaties made by the Cayuga nation with the State of New York were in the possession of our chiefs, and when the Cayugas of Sandusky, in the State of Ohio, were about to emigrate to the country west of the Mississippi river, the chiefs of that portion of the Cayugas came to this State, and they, in conjunction with our chiefs, made the treaty of the 8th of September, 1831, with the people of the State of New York. The chiefs then agreed that inasmuch as they were about to separate, some of whom were to remove a great distance to the west, that if either of the parties became unfortunate, that of the thriving party should collect and transport the other party to their homes; that the treaty of 1831 shall not be a bar between them, provided that the party going west should become reduced; that in that case the home party should apply for a new apportionment, the object being that all share alike.

They also agreed to divide all the treaties in their possession, to wit, four of the first treaties with the State, 25th February, 1789; 22d June, 1790; 27th July, 1795, and the 30th May, 1807. The first and third treaties were deposited with the Cayugas going west, and separated. The Sandusky Cayugas removed to the country west of the Mississippi river, and fifteen years had not elapsed when the last survivor of the chiefs of that portion of the Cayugas went to the land of his fathers. He, being weak and infirm, saw that but a few more days were left to

him. He sent for a young man whom he had chosen as the best calculated to take charge of the interests of the survivors of the Cayugas who had emigrated to the country west. The young man having arrived, the aged chief said: "My nephew, I have sent for you in order to reveal matters of importance to you and our people. You know that we removed from toward the rising of the sun to this country. I and you and all of us have seen the effects of our removal. Deeply do we feel our continued losses; our hearts are broken down with grief, still that does not stay our destruction. Our people keep constantly passing on, and in a few days I shall also heed the invitations of my fathers and go to the land of spirits. My strength fails and my voice grows weaker daily. In looking around my people, I find no person who can take charge of them better than yourself. You appear strong and healthy, and disease has not, as yet, reduced your mental powers. I therefore commit my people into your charge, and with them take this," (at the same time pulling the counterpart of the treaty of the 27th of July, 1795, from under his pillow). "This document is a treaty made with the State of New York and our nation; it is an evidence of the indebtedness of that State to our nation. Keep this document, therefore, as you would your life, because the interests of our people are involved in its safety. We have friends whom we left in the State of New York, and at our parting we agreed that if either party should be unfortunate, and the other prosperous, that the latter should gather the unfortunate, and put their heads into their bosom.

"It is now certain that this country is not adapted for people. In a few years we shall become extinct; be wise, therefore. Look for our brethren, and remind them of the mutual promise." It was not long before the prediction of the aged chief was fulfilled; he went to the land of spirits. At this event, the young man, for the first time, felt the great responsibility imposed upon him by the chief; he began to realize the condition and the prospects of the few survivors of his nation; and in pursuance of the promise made to the chief to take charge of the interests of his people, and being informed of the mutual promise with the friends they had left in New York, he immediately started for

this State. I met him in the summer of 1847, when he gave me the above history. I then disclosed to him our situation; that we were living with the Senecas as tenants at will, and that we had no land upon which we could settle with our brethren. I proposed the purchase of a tract of land, as the only course to be pursued. He approved the plan, but he desired to see the Cayugas in Canada, and that on his return we were to make a search for a suitable tract of land. He then showed to me the "counterpart of the treaty of 1795." I, in return, showed those I had in my possession. After which he went to the Grand river in Canada, west, to make a visit to the Cayugas. The unfortunate man never returned. Soon after his arrival in Canada, pulmonary disease confined him to his bed for a few weeks and then he died. After his death, Canadian Cayuga chiefs, for the first time, obtained the possession of the "counterpart of the treaty of 1795," the same which the young man received from the Cayuga chief west of the Mississippi, and which he had brought with him on his return.

Upon examining said treaty, they found that there were several tracts of land reserved by the Cayugas. In the latter part of January, 1848, the Canadian Cayugas were represented at the Legislature of this State by two of their chiefs, who made an appeal to the Legislature for their rights, reserved in said treaty. To the Indian committee of the Assembly, it appeared somewhat plausible, because they had in their possession the "counterpart." Whereupon said committee introduced, on the fifth day of February, the following resolution, which was adopted:

"Resolved, That the Secretary of State be requested to report to this House at his earliest convenience, whether or not the State has, at any time, purchased certain lands near Cayuga lake, reserved by the Cayuga Indians, in a treaty made by the State of New York with the said Indians on the 27th day of July, 1795." The Secretary of State will recollect that such were the facts, and that he reported to the House on the 10th day of February, 1848, in pursuance of the resolution aforesaid. (See Assembly Document, No. 61, 1848). Now, let me ask the commissioners of the land office whether, in their opinion, these

Cayugas from Canada would have permitted these lands to remain unnoticed and uncared for more than half a century, had they just and legal claim? Would they have submitted peacefully and quietly, as the whites moved on and cultivated their reserved land; for they certainly must have known that the lands were already settled? The State of New York, under the treaty of 1795, agrees to remove trespassers on the lands thus reserved by the Cayugas. Would they not have applied to the State to fulfill the contract and remove the trespassers from their reserved land, upon the very first case? Is it natural for the Indians to tamely submit to encroachments by the whites, where a special contract is in existence, providing against such trespass? The whole truth can be plainly seen. The Canadian Cayugas know that they have no right either to the reserved lands or the annuities; neither had they the "counterpart of the treaty of 1795" in their possession as they allege. The whole is a fabrication, calculated to wrong and rob the poor Cayugas within your noble State, and the jurisdiction of the United States. That the Cayugas in Canada have large tracts of land upon which they now reside, and that they are paid the annuities due said nation from the British government; that these were once the common property of both divisions of the Cayuga tribe, has been admitted by the chief who is now present and representing the Cayugas in Canada; but he had failed to show you how, or in what mode the Cayugas of New York relinquished their rights to the common property in Canada. He has also failed to show you why it is that the Cayugas in Canada had never claimed the annuity due us from this State ere this. It has also been represented that the Cayugas of New York have no lands, but are living with their brethren, the Senecas, as tenants at will; that these Cayugas have, since the year 1812, always received the annuities due the Nation from the State, without interruption or interference on the part of the Cayugas in Canada.

Then why is it that at this late day the Canadian Cayugas claim the annuity which is solely our property under the contract above cited? These Canadian Cayugas would violate the said contract, so far as they were bound to release the property

to us, but would compel us to keep the contract inviolate, and allow them to retain possession of the lands and annuities we have relinquished under the contract. They have sold large tracts of these lands, and the remainder they have divided in severalty, by law of the province, and the whole is thus distributed; so that if you annul this contract between us, you will do the Cayugas of your own State great injustice, because they can not repossess themselves of the rights they had relinquished, and, therefore would be left remediless. We rely upon the State of New York for protection; that protection which she has solemnly promised us by treaties, and we hope that the Canadian Cayugas will not be permitted to carry away the last vestige of our once noble patrimony.

Gentlemen, I have now reviewed the arguments presented by my opponents, and have also presented to you my views on behalf of my unfortunate people. I know not what your decision may be, but I trust and hope that you will award the justice due the poor Cayugas who are still lingering within your noble State. I have but a few more thoughts to present to you and then I shall close. Many hundred winters have passed since the formation of our confederacy of the Five Nations of New York, and long before the white man came over the great waters.

The Cayugas then stood foremost in sagacity, wisdom and eloquence, and rendered great service in the councils of the great confederacy; nor were they excelled in philanthropy, patriotism or bravery. These great and noble qualities of a natural character, so highly honorable, were still in their glory down to the time of the great Cayuga chief, Logan. Your history, upon the death of this great man—warrior, legislator and diplomatist—would make him the last of the Cayugas; but I trust the last of the Cayugas is not as yet. At the formation of the confederacy, the great tree of peace was planted in the center of the long-house, whose top reached the heavens, whose branches were to cover the great island, and whose leaves were to shade many nations, the root of which extended to the rising and setting of the sun, to the south and the north; at whose base the grand council fire was kindled, the smoke of which ascended and commingled with the clouds, a beacon for all nations who desire peace and fra-

ternity. Our wise forefathers knew the unstability of human prosperity, and they, therefore, provided that by this confederation the destinies of the Five Nations were united and had become inseparable; that if, in some future time, the Five Nations should, by ill fortune, become reduced and the survivors driven to extremities, while destruction was at its work of extermination, and naught but oblivion before them for their hope, that then the survivors should look for a great elm tree, collect together the few survivors of the once proud and mighty Iroquois and place them at the base of the tree, between its great bracing roots, there to linger for a while and then perish; so that the passer-by, or those that caused our extermination and extinction, may say: There stands the great elm tree of the Iroquois and there are the skulls, between the bracing roots, of the last of the race, the only monument of the once great and mighty people. The time is near at hand when this prediction will be fulfilled.

The survivors of the Iroquois in this State have chosen the Empire State as the great elm tree. The Cayugas desire that its leaves and branches may protect them during the few days that are left to them. And will it refuse its hospitality and protection? We are few in numbers and are fast wasting away.

Soon will our mother earth receive us into her bosom and the sun look in vain to find us. We shall live only in the romantic song of the poet and the presumptuous imaginations of the historian. The antiquarian will search for our tumuli in vain, because the plowshare of the pale face shall have ploughed them through and through.

I am a Cayuga; I was born a Cayuga. The Great Spirit, by his inscrutable providence, has called to himself the old men, the fathers of our nations, and we, the survivors, are left with no person of age and experience to guide us in our footsteps and council us in our difficulties. By the direction of the Great Spirit he has deemed proper to place one of the least of the Cayugas to oversee the affairs of his Cayuga people; and I shall always endeavor to perform the duties incumbent upon me, to the best of my abilities.

Gentlemen, the Cayugas within your State are now trembling

from fear that a foreign people will be permitted to take away the last vestige of hope left them by their forefathers, by which they can be rendered comfortable and happy." (I. e. three-fourths of the annuity of \$2,300.)

"I have passed through the ancient country of my nation during the season when all nature was glad, when the earth yielded strength and nourishment to the growing crops, the heaven distilling its dews to water the tender plants, and the invigorating breath from the beautiful lake near by, which bears our name, as it passed over the grain fields, made each stalk bow with reverence to the Great Spirit, while the flowers and urn-like blows gave up incense to Him that made them. The farmer and his household were secure in the possession of these lands and are happy, while we are threatened to be despoiled of that which was given us in exchange for our country.

This alone renders the Cayugas miserable and unhappy. They are now destitute and weak and can not redress their wrongs. They appeal to the State of New York for protection. We have stood by you and fought your battles, and many of our warriors gave up their spirits to the Great Father, who made us all, in your defense. We have been faithful to you; not a pledge has been violated, not a promise has been broken. We now desire that you keep your pledge inviolate; that you extend the protection you promised to our fathers, which you said was made for us, their children.

If by chance there is any possibility that you will decide against us, we ask that you, gentlemen, may not take the great responsibility, but refer the subject-matter to the members of the Legislature, who are the representatives of the State. Give us an opportunity to make an appeal to the people, and if they decide against us we can only be silent.

We desire to live among you and die upon the very soil that gave us origin; a few more days are left us and we shall be no more; be just with us; give us the small annuity you have promised; doom us not to extermination, but save us from destruction, and when we are gone to the land of our fathers, our spirits may not return to molest your peaceful slumbers. You will mourn our loss, but will be happy in the consciousness that

you have discharged your duty to your God and to your red brethren. But, gentlemen, if you determine to take from us our small annuity and give it to a foreign people, I would make this one request, that if, perchance, hereafter an Indian shall call at your door for bread, do not, I beg of you in the name of the Great Spirit, do not ask to what tribe he belongs, but relieve his necessities and save him from starvation, for he may answer you: 'I am a Cayuga.' Then, oh, the pangs! the remorse you will feel when you behold him whom you have deprived of his all, thus reduced to destitution and misery.'

The Road to the Bouwerij

HISTORICALLY, CARTOGRAPHICALLY AND GENEALOGICALLY
CONSIDERED

BY HOPPER STRIKER MOTT

TRUSTEE AND TREASURER OF THE NEW YORK GENEALOGICAL AND
BIOGRAPHICAL SOCIETY AND EDITOR OF *The New York Genea-
logical and Biographical Record*.

[To be Completed in Three Parts]

PART III*

IN our onward march through the years we have reached the Revolutionary period. There is the Montresor map, surveyed in the winter of 1775, which shows the topography at the outbreak of hostilities. To be sure the first blood had been shed in 1770 at Golden Hill. The battle fields of New England have been immortalized in song and story. New York has been unfortunate in not having this aid to the preservation of historic truth or this first spilling of patriot blood would be universally accepted. How Gold Street received its name is undetermined. Possibly it was so designated by Willem Beekman, he having named Beekman and William Streets for himself, after the Swamp was granted him by Stuyvesant. So large a part of this land was wet, could it be that the name originated because of the golden harvest raised on that spot? Hence Golden Hill.†

*There are just two additional maps mentioned in this article, viz.: Montresor, 1775, and Holland, 1776. Both are to be found in Valentine's *Manuals*, 1855 and 1863 respectively.

†It has usually been asserted by historians that the first blood in the war of the American Revolution was shed at Lexington; but such is not the fact. The battle of Golden Hill, on the 18th of January, 1770, was the beginning of that contest, so fearful in its commencement, so doubtful in its progress and so splendid in its results. The storm had now been gathering for several years and the public mind had become exceedingly feverish, not only in respect to the conduct of the parent gov-

Much more of the West Side is shown on this map than of the Bowery division. Only the de Lancey land is located and the Bowery Lane laid down as far as the Road to the Obelisk, which left it near the Zantberg. Major Holland's draft of the following year covers the east side as far as Bullock (Broome) Street and mentions no military locations except the Fort and Barracks at the Battery. The Lane was quite compactly built up at this time. The houses however were small and the number of liquor dealers was much more than sufficient to supply the needs of the population. Thirteen were open for business in 1770, beginning with the Doyer brewery at Chatham Square. It may be assumed that the inhabitants were not all that could be desired. As the Bowery was the principal avenue of approach to the city this neighborhood was one of great interest during the war. Naturally well guarded, the continual presence of soldiers in the vicinity tended to deteriorate the character of the buildings and property.

We are granted some transitory views of conditions while the Americans were yet in possession in the *American Archives*. A letter from Frederick Rhinelandt to Peter van Schaack, dated at New York, February 23rd, 1776, enables us to gain a glimpse of the situation. He writes that Samuel Bayard had been made prisoner and continues: "The Secretary's office is removed to Nicholas Bayard's where Samuel is yet under a guard.*

ernment, but in regard to the language and bearing of the officers of the Crown stationed in the Colonies. The destruction of the liberty pole increased the mutual exasperation and the fight that followed was but the natural consequence. To the City of New York, therefore, must ever be given the honor of striking the first blow. The town was thrown into commotion, the bells rang, and the news, with the exaggerations and embellishments incident to all occasions of alarm, spread through the country with the rapidity of lightning. Everywhere throughout the old Thirteen Colonies it created a strong sensation and it was received with a degree of indignant emotion which very clearly foretold that blood had only begun flowing.

The massacre in King Street, (Boston) two months later, added intensely to the flame and, although five years intervened before the demonstration at Lexington, there were too many nervous pens and eloquent tongues in exercise to allow these feelings to subside, or the noble spirit of liberty that had been awakened to be quenched. Such stirring orations as those of Joseph Warren were not uttered in vain, and often were the people reminded by him, or by his compatriots of kindred spirits—"The voice of your brethren's blood cries to you from the ground!" The admonition had its affect, and the resolutions of vengeance sank deeper and deeper, until the fullness of time should come. (*Life of Brant* by Col. William L. Stone).

*Samuel Bayard, Esq., Dep. Secy. of the Province had long been a prisoner in the rebel country and, to his honor, never abandoned the records of which he had the custody, until forcibly taken from him. (*Jones' Hist. of New York, etc.*, Vol. I, 146.)

General Lee is taking every necessary step to fortify and to defend this city. The men-of-war are gone out of the harbor; the Phoenix is at the Hook; the Asia lies near Bedlow's Island; so that we are now in a state of perfect peace and security, were it not for our apprehension of future danger. To see the vast number of houses shut up one would think the city almost evacuated. Women and children are scarcely to be seen in the streets. Troops are daily coming in; they break open and quarter themselves in any houses they find shut up. Necessity knows no law. Private interest must give way to the public good. Mr. Jacob Walton was ordered to remove and give up his house which is now occupied by the soldiers.*

I have not moved an article out of town yet though I have taken a house for my family at a place called Paramus. The Speaker has desired me to get a place for him in the same neighborhood. I think it will be out of the route of the army. We are going to raise a new batallion. Cols. Lasher and Gouverneur Morris are candidates for the command. As both gentlemen have great merit it is hard to tell which will succeed. Gen. Lee is ordered to take command at Canada; Gen. Schuyler to command at New York." (*American Archives*, Series 4, Vol. 4:1479).

On February 29th, Gen. Charles Lee wrote to Washington about the precautions he had taken. This letter will be commented on in the Chapter on Broadway as it refers especially to the fort at the Battery. Dr. Malachi Treat was in the employ of the Congress. He reported on February 26th, that he had taken every measure to secure a proper place for a hospital, and had found two places which could be obtained, viz: Mr. de Lancey's house in the Outward and three houses in and near Maiden Lane near Mr. Walton's brewery. Thereupon the Congress voted unanimously that the latter place was very improper and would by no means answer the purpose; that the de Lancey house in the Bowery was most proper. A committee

*You may recollect a sweet situation at Horn's Hook that Jacob Walton purchased, built an elegant house and greatly and beautifully improved the place; he was obliged to quit the place; the troops took the place and fortified there. When Mrs. Walton received the order to go out of her house she burst into tears, for she was fixed to her heart's desire. (Extract of a *New York* letter April 12th, 1775, quoted in the *Memorial History*, Vol. II, 490).

composed of Mr. Denning of New York, and Mr. Abraham Yates of Albany, were designated to apply to John de Lancey for the use of said house and make report thereon with all convenient speed as the Congress would choose to have the consent of and agreement with John de Lancey, the agent of the owner. (*Ibid.*, Series 4, Vol. 5:307).

On the 27th, Capt. Henry Livingston "came express" from Gen. Montgomery with the news of the surrender of Montreal. (*Ibid.* 312). On the 28th, Messrs. Yates and Denning informed the Congress that John de Lancey was attending "at the door" and wished to be heard. He was informed that compensation was intended to be made for the house he occupied; if, however, another place could be obtained his house would "probably be spared." De Lancey was a member of the General Committee of One Hundred chosen May 1st, 1775, who were charged with the administration of local affairs and as such took prompt measures for the safety of the city and for an impending struggle. The Committee on Hospitals was directed to search anew for one or two proper houses for the purpose. With the assistance of Dr. Treat the Committee began the quest with the result that the Congress was notified by them on March 4th, 1776, that they had viewed the house on Fresh Water Hill, where John Fowler lately dwelt, and the two barns adjoining, and that as Dr. Treat had highly approved of the property they had contracted therefor for the rent of £70 from May 1st next, payment quarterly. This selection the Congress approved and ratified. (*Ibid.* 333).

Facilities for further hospitals having been thought necessary, the New York Convention on Aug. 13th, empowered the application of the following houses to that use, to wit: Charles Ward Aphthorp's, Oliver de Lancey's and Robert Bayard's at Bloomingdale; William Bayard's at Greenwich; Mr. Watts' near Kipp's Bay; Robert Murray's at "Incklam Bergh;" William McAdams' and the houses and buildings occupied by Mr. Watson near the old Glass House; Nicholas Stuyvesant's; Peter Stuyvesant's; Andrew Elliott's; Daniel Horsemanden's, commonly called Frog Hall and Widow Leake's near Kipp's Bay, all for the purposes of the General Hospital of the American Army. (*Amer. Archives*, Series 5, Vol. I:1499).

That soldiers are unruly is notoriously true. The affidavit of John Somerindyck which was read in the Congress on March 5th, but substantiates this universal failing. He complained of their violent acts and added that the conduct of some of the officers was impudent. (*Ibid.* Series 4, Vol 4:341). It was while Washington had his headquarters on the Bowery that a plot was discovered which had for its object his abduction or assassination. The former Royal Mayor and two of Washington's life-guards were implicated in the conspiracy. One of the latter was Thomas Hickey, who had deserted from the British army and enlisted in the patriot forces for the purpose of corrupting his comrades and seducing them from their allegiance. Washington wrote, June 28th, to the Provost-Marshal of the Army of the United Colonies, that Hickey had been convicted, by the General Court Martial, of mutiny and sedition and also of holding a treacherous correspondence with the enemies of said colonies contrary to the rules and regulations established for the government of the troops. He ordered that he be hanged on the same day at 11 o'clock of the forenoon upon the ground between the encampment of the brigades of Brig-Gen. Spencer and Lord Stirling.

All the officers and men off duty belonging to Gens. Heath's, Spencer's, Lord Stirling's, and Gen. Scott's Brigades were ordered to be under arms on their respective parades at 10 o'clock to march to the ground selected and attend the execution of the sentence. Each of the Brigade Majors was directed to furnish the Provost Marshal with 20 men for each Brigade, with good arms and bayonets to act as guard on the prisoner to and at the place of execution. (*Ibid.* 1148). Accordingly on this morning Hickey was taken to a field at the corner of the Bowery and Grand Streets and there executed in the presence of twenty thousand spectators. Headquarters issued this statement, dated the 28th of June:

The unhappy fate of Thomas Hickey executed this day for mutiny, sedition and treachery, the General hopes will be a warning to every soldier in the Army to avoid those crimes and all others so disgraceful to the character of a soldier and pernicious to his country whose pay he receives and bread he

eats. And in order to avoid those crimes the most certain method is to keep out of the temptation of them and particularly to avoid lewd women who by the dying confession of this poor criminal first led him into practices which ended in an untimely and ignominious death. (*Ibid.* 1148).

William Morony, the Provost-Marshal, attested to the fact in an official paper dated July 1st, to wit:

Last Friday was executed in a field between the Cols. McDougall and Huntington's camps, near the Bowery Lane, a soldier belonging to his Excellency Gen. Washington's Guards, for mutiny, being one of those who formed and was soon to have put in execution that horrid plot of assassinating the Staff-Officers, blowing up the magazines and securing the passes of the town on the arrival of the hungry Ministerial Myrmidons. It is hoped the remainder of these miscreants, now in our possession, will meet with a punishment adequate to their crimes. (*Ibid.* 1120).

This was the first military execution of the Revolution and it created a profound impression. It was the first and last time, too, that a gallows was reared on the Bowery. No reference was made of the punishment meted out to the other conspirators. The example, doubtless, proved sufficient.

In the Provincial Congress on June 5th, the names of certain suspected persons were spread upon the minutes and proceedings were taken at the City Hall by a committee to try disaffected persons and those of equivocal character. This met June 21st. Among the names on the list were those of Christopher Benson, William Bayard, Frederick Rhinelander, Robert Bayard, Peter van Schaack, Andrew Elliott the Collector, David Matthews the Mayor, John Watts Jr. the Recorder and Judge Thomas Jones. Sampson Dyckman was duly sworn as messenger to summon the parties cited. Among those who were advertised in the *Gazette* was Mangle Minthorne. He petitioned the committee under date of June 13th, praying to be restored. Accused of having sold tea at a higher price than was stipulated by the Provincial Congress he protested that "he looked upon himself as only acting similarly to others and not the least degree inimical to his country. He declared he was sorry for the same; that he did it ignorantly and humbly hoped this Congress would by reinstating him

in the good opinion of his fellow citizens put it once more in his power to convince them how much he is the friend of the liberties and privileges of America." The petition was read and referred to Alderman Col. Brasher and Peter P. van Zandt. (*Ibid.* Vol. 4:1152, 4, 1400). On June 14th, it was on motion of John Jay ordered that the above gentlemen make their report that afternoon. (*Ibid.* 1403). No further particulars are found.

The Americans constructed a line of fortifications from the Hudson to the East River, crossing the Bowery at Grand Street, and these works were subsequently improved and strengthened by the British Commanders. When Washington reached the city, April 14th, he found the work of defence well under way. This had been begun by General Greene and carried on by Gens. Stirling and Putnam. The *Correspondence of the Provincial Congress* at New York, the *Memoirs of Gen. Lee*, 12-15 and Booth's *History, etc.*, Vol. II, 493, detail a description of them as follows: On the southernmost point of the Island was the Grand Battery, mounting twenty-three guns, with Fort George Battery of two guns, immediately north of it, in close proximity to the Bowling Green. The North River shore was defended by McDougall's Battery of four guns on a hill a little to the west of Trinity Church; the Grenadier's or Circular Battery of five guns some distance above in the neighborhood of the brew house and the Jersey Battery of five guns to the left of the latter. On the East River shore were Coenties' Battery (from Coen and Antej, the names of Conrad Ten Eyck and Annetje, his wife, who lived in the house on Little Dock, now Pearl Street, adjoining the slip) of five guns on Ten Eyck's wharf; Waterbury's Battery of seven guns at the shipyards; Badlam's Battery of eight guns on Rutgers' Hill in the vicinity of the Jews' Burial Ground in Chatham Street and not far from that Thompson's Battery of nine guns and the Independent Battery on Bayard's Mount. Breastworks were also erected at Peck, Beekman, Burling, Coenties and Old Slips, at the Coffee House and the Exchange and in Broad and other streets and a line of circumvallation was stretched across the Island from river to river. The Hills map, 1782, shows some of these defenses. Stirling's and McDougall's Brigades composed of two New York, one Connecticut, one Ar-

tified regiments, under Gen. Sullivan, were posted as a reserve near Bayard's Mount; Parsons' of four Connecticut and one Massachusetts regiments under Gen. Spencer from the shipyards to Jones' Hill, including one of the redoubts to the west of it; Fellows' on the Hudson from Greenwich down to the "Glass House;" four Mass. regiments, under Putnam and James Clinton's four regiments from the same state, also under Putnam, from that point down to the "Furnace" opposite the Grenadier Battery. (*Campaign of 1776*, Henry P. Johnston, L. I. His. Mem. III).

The proprietors of lots on Grand Street were directed to, without delay, level up the ground thereon of works during the late war to make said street passable and convenient, Sept. 1st, 1793. (*MS. Mins. C. C. Vol. 11, 154*). And this quotation is from the *Description of the Panorama representing the City and Environs*, circa 1811: "In the rear of Judge Jones' house and till within a very few years past, stood the remains of a fortification erected the year before the close of the Revolution and with which there was no event of importance connected. It was here that in 1786, Lieut. and Adj. John Loudon was killed by a ramrod in conducting a body of the militia in a sham fight against it. It was levelled at the opening of Grand Street, a year or two since."

These defences are described as the enemy found them in the journal of Lt. Col. Stephen Kemble, Adj. Genl. of the British forces, under date of Sept. 15th, 1776. From it we abstract this paragraph: "On a Survey of their Works the Day after, find the whole Coast from Kipp's Bay to New York on the East River, and from New York to Little Bloomingdale [near Greenwich] on the North River, fortified with a Line of Entrenchment, except where the Marshes obstructed it, with a Chain of Redoubts and Works from Judge Jones's House, across the Island to Lespenard's and Mortimer's [Mortier's] House by Bayard's Mount on which they have a Fort called Bunker's Hill, the only Work of any Consequence or strength on the Island and tolerably well-finished. It is made of Sod. All the rest of the Works (which are innumerable) appear calculated

more to amuse than for use." (Johnston's *Battle Harlem Heights*, 212).

On July 1st, 1776, Gen. Howe came sailing in from Halifax and made his camp on Staten Island there to await his brother, the Admiral. The latter arrived on the morning of the twelfth, when, with his consent, the "Phoenix" and the "Rose" took advantage of a rainy day and made rapid headway up the Hudson on an expedition incidentally undertaken to draw fire and ascertain the situation of the city defences. Some details of the affair are found in the diary of Ewald Gustav Schaukirk, pastor of the Moravian congregation. Certain shots which were let loose as they proceeded northward, with the vigorous onset made from the shore, "caused a great fright in the city. Women and children, and some with their bundles, came from the lower parts, and walked to the Bowery which was lined with people."

In the interim the American troops were arriving. There was an encampment at Greenwich, Connecticut, of two regiments of countrymen under Col. Samuel Drake, with Johs. Hardenburgh, Lt. Col. When this camp-ground was occupied it was in exceedingly bad order, but, by the industry of the men, they had provided comfortable quarters for the time of year, were satisfied with their situation and the sick were daily returning from the hospital for duty, when an order was received from Washington, dated Aug. 5th, requiring the brigade to march into the city. The officers do not seem to have appreciated the serious condition of affairs for they addressed the Commander by letter on the following day, requesting that the order be suspended, if it be consistent, and that "we may be continued on the ground and our places supplied by some other regiments now in quarters in town." This brigade had been in the city and served their time for we are told that the officers were moved in writing by a tender regard for the health of the men and the inconvenience they would be subjected to by being again crowded into houses in town to the prejudice thereof. (*Amer. Arch.*, Ser. 5, Vol. 1:189).

Four companies of militia from Ulster and one company from Livingston Manor were included in these troops. Hardenburgh complained to Nathaniel Woodhull, President of the

Congress of the State of New York, on Aug. 9th, that some of the men had no guns, cartridge boxes or accoutrements of war. He, the Lieut.-Col., thought it was very hard that after they had left their homes and business they should not be armed. He had done all that lay in his power to get a supply for them when he was in town but failed. He supplicated the House to put him in some way to obtain a supply which the men were willing to allow for out of their pay. This petition was read in Congress and Col. Curtenius was ordered to deliver 72 guns, muskets or firelocks and Mr. Norwood 162 cartouch-boxes or pouches. Receipt therefor was given by said Hardenburgh, who was Treasurer of the Ulster Committee, with the proviso that "proper stoppages be made out of their pay." (*Ibid.* 868, 1494). There should be no doubt that the troops reached the city in due season. The proper spirit was shown.

This was indeed a critical period. In attempting to hold New York Washington had to contend against difficulties of position, uncertainty as to point of attack, strong Tory feeling among many citizens and inexperience on the part of officers and men. On Aug. 17th, he issued a proclamation advising all women, children and infirm persons, to remove from the city, "as a bombardment and attack by our cruel and inveterate enemy may be hourly expected." (*Ibid.* 998). Not until August 22nd did he know where the struggle would take place. On that day Gen. Howe landed a force of twenty thousand men, regulars and Hessians, at Gravesend Bay. On the twenty-seventh, some five thousand of the patriots, composed of raw, undisciplined troops, some of whom, however, had been at Lexington and Bunker Hill, or had seen service against the Indians, met the enemy on Long Island and were badly worsted.

It is small wonder that they were beaten for we read in the journal of Sir George Collier, R. N. (*Mem. L. I. Hist. Soc.* II, 407) that Gen. Howe had "the satisfaction of finding himself at the head of full twenty-four thousand fine troops, most completely furnished and appointed, commanded by the ablest and the best officers in the world and having a more numerous artillery than ever before was sent from England. Four hundred transports were anchored abreast of Staten Island, to carry them to any

place the General might choose to attempt; and thirty-seven sail of men-of-war attended as a protection and an escort, if it should be wanted." Washington succeeded in crossing the East River and reaching New York on the night of the twenty-ninth.

After the battles of Harlem Heights, where a quasi victory was won which restored the esprit of the troops in a measure, and Fort Washington, the city was left to the tender mercies of the conquerors. With a population of seventy-five thousand the lateral streets as far as Broome were sparsely occupied. North thereof were meadows and groves of trees, interspersed with farm houses and the country seats of large landed proprietors. Valentine's *Manual*, 1866, is authority for the statement that the actual improvements then existing were, one house on First (Chrystie); eight on Second (Forsyth); three on Third (Eldridge); seven on Eagle (Hester); and thirteen on Pump (Canal) Streets. Hardly had the invaders marched in when fire broke out which became an extensive conflagration, one-quarter of the town being desolated. Because of it the Bowery had an accession of new residents and the life of the town centered largely in the neighborhood. The afore-mentioned houses of entertainment thrived accordingly. Very little occurred during these years to enliven the period of occupation. Among the common soldiery cock fighting and horse racing were indulged in. The theatre in John Street, which had been closed, was reopened in Jan., 1777, as the Theatre Royal and amateurs, composed of some of the brightest men in the British Army, appeared on its boards. On a number of occasions, victories, birthdays of the Royal family or such events were used as reasons for celebrations, when salutes were fired at the Battery and on the line of fortifications, viz: at Jones', Bunker and Lispenard's Hills.

Bull's Head Tavern was the convivial resort of the period. Joshua Pell, who kept the Bull's Head, was doubtless likewise its host. He became an Associator in 1782, having signed the Articles of Association at New York, a body whose principles were favorable to "the liberties of America," but looked to the King to grant them. He removed to Shelburne, Nova Scotia, the following year with his family of fourteen persons. His occupation is put down as farmer. (Sabine's *Loyalists of the Amer.*

Rev., Vol. II, 565). Having returned to New York he died March 30th, 1821, aged 88 years, at his son's house in Cortlandt Street. His remains were interred in the family vault at East Chester, "on Sunday morning." (*Commercial Advertiser*, March 31st, 1821). Joshua Pell Jr. figures in the city directory but he did not live in Cortlandt Street nor did any Pell there enumerated. The city pound was kept in 1782 by Nathan Wetherell at the "Bull's Head, Bowery Lane." (*Royal Gazette*, Oct. 30th).

The sailing of the first Loyalists is related in the same paper of October 19th, 1782, as follows: "On Sunday the 6th, sailed from hence for the Province of Nova Scotia, under a strong convoy, a fleet of transports, having on board a number of Loyalists with their families amounting in all to 460 persons. Previous to their embarking they were supplied from the King's stores with provisions of all species, sufficient for their support for a full year, besides an allowance of 21 days' rations for their passage; they were also furnished, at the expense of Government, with comfortable clothing for men, women and children, with a proper assortment of medicines, various kinds of husbandry tools and arms and ammunition for hunting and defence. They are to have liberal grants of lands in that province, surveyed and laid out for them at the public cost; such of these Loyalists as were in the enjoyment of pecuniary allowances from Government received also a full year's pay in advance and every precaution was taken, which the most humane policy could suggest, to make the passage comfortable and the undertaking beneficial to them all. They are mostly Farmers that have been driven from their dwellings and possessions by the enemies to Great Britain and having families to support and seeing no prospect of a speedy peace taking place, they petitioned to be allowed a settlement in Nova Scotia where they might cultivate the earth for support and, under the protection of a good government and a mild impartial distribution of justice, quietly enjoy the fruits of their labour free from the detestible tyranny of seditious Demagogues and the burthen of unequal and oppressive taxes."

On Sept. 3rd, 1783, a definitive treaty on the part of Great

Britain, recognizing the independence of the new nation, was signed, which the Congress announced to the public on Oct. 18th, and promulgated to the army on Nov. 2nd. On the following day the Continental Army was disbanded by order of the Congress. Washington was notified by letter from Sir Guy Carleton, dated Nov. 23rd, that the British Troops would evacuate the Island" on Tuesday next at noon, notwithstanding the wind has been lately very unfavorable, if I have proper assurances that we shall retain a free and uninterrupted use of the Ship-Yard and Hallett's Wharf in New York." Under date of the twenty-fifth from New Brunswick, New Jersey, we learn that on "Friday last arrived at Haerlem, at Day's Tavern, nine miles from the City of New York, his excellency General Washington and his excellency George Clinton, Governor of that State. They were attended by a number of gentlemen of the Army, members of the Senate and Assembly and other officers of distinction. The Continental troops are stationed at or near McGown's Pass; our pickets are advanced to the Dove Tavern, 5 miles from the city."

The *New York Gazette and Universal Advertiser* of Nov. 26th, relates the events which accompanied the re-occupation of the town:

"Yesterday, in the morning, the American troops marched from Haerlem to the Bowery Lane. They remained there until about one o'clock when the British troops left the Posts in the Bowery and the American troops marched into and took Possession of the city, in the following order, viz:

1. A corps of Dragoons,
2. Advance Guard of Light Infantry,
3. A corps of Artillery,
4. Battalion of Light Infantry,
5. Battalion of Massachusetts troops,
6. Rear Guard.

After the troops had taken possession the General and Governor made their public entry in the following manner:

1. Their Excellencies, with their Suites, on Horseback,
2. The Lieut.-Governor and the Members of the Council, for

the temporary government of the Southern District, four abreast.

3. Major-General Knox and the Officers of the Army, eight abreast.

4. Citizens on Horseback, eight abreast.

5. The Speaker of the Assembly and Citizens, on Foot, eight abreast.

Their Excellencies, the Governor and Commander-in-Chief, were escorted by a Body of Westchester Light Horse under the command of Captain Delavan. The procession proceeded down Queen Street, and through the Broad-Way to Cape's Tavern. The Governor gave a Public Dinner at Fraunce's Tavern, at which the Commander-in-Chief and other general Officers were present. The arrangement and whole conduct of this march, with the tranquility which succeeded it through the day and night, were admirable! and the grateful citizens will ever feel the most affectionate impressions from that elegant and efficient disposition which prevailed through the whole event."

In preparation for the official entry, as soon as Knox arrived, the citizens who had assembled on horse back, at the Bowling Green accompanied him to meet their Excellencies, at the Bull's Head, the tavern being kept by Mrs. Varian, and the citizens on foot assembled at or near the Tea-Water pump at the Fresh Water. (Papers Collated by William Kelby, in the *Manual*, 1870, 822-6).

On Oct. 22nd, 1779, the Legislature of the State of New York passed an act reciting that many persons had joined the enemies of the State and declaring those therein named to be *ipso facto* convicted and attained of the offence of such adherence. It enacted that all and singular the estate, both real and personal, held or claimed by them in possession, reversion or remainder, should be and were thereby declared forfeited and vested in the people of the State. (Greenleaf's Edition of the *Laws of New York*, Vol. 1:26, Chap. 30). A supplementary act was passed May 12th, 1784, appointing Commissioners of Forfeiture and authorizing and directing them to sell and dispose of all the forfeited lands and real estate within their districts at public or private sale and to execute and deliver

good and sufficient deeds therefor to the purchasers, which said deeds should operate as warrantys from the State. (*Ibid.* Vol. 1:127, Chap. 64). Under the provisions of the latter act Isaac Stoutenbergh and Philip van Cortlandt were appointed such Commissioners for the Southern District of New York.

The Hon. Andrew Elliott, Judge Thomas Jones, William Bayard, George Ludlow, Col. Roger Morris and the Hon. James de Lancey were among those whose estates were confiscated and who ended their days in the mother country. Bayard complained bitterly concerning this treatment. In a letter dated New York, Aug. 8th, 1783, he expressed himself as follows: "The Rebels—for I shall never call them anything else—have confiscated every shill'g of my valuable property in this Country and passed an Act of Attainder, against my person, so that I am now going off in a manner a beggar to my children and friends in old England—the reflection almost too shocking for Human Nature to bear, but such is mine and the hard Fate of many others." (*Mem. Hist.*, Vol. II:552).

The map of the Commissioners in Forfeiture was made by Evert Bancker. The sale in New York City began Aug. 16th, 1784, and it was not until Feb. 23rd, 1787, that the estate was closed out. From the de Lancey notes to *Jones' History, etc.*, heretofore quoted, we are indebted for many data concerning the estrangement of the immense de Lancey farm. It brought at vendue £93,639.10.0., New York currency, the equivalent of \$234,198.75, which seems a surprising sum for realty at that early period. This included the Bloomingdale property. From the list printed in this volume the only lots sold fronting on Bowery Lane were:

Aug. 16, 1784.	16 lots on the west side, to Thomas McFarren	£1700
Aug. 16, 1784.	1 lot on the west side, to Henry Kipp	165
Aug. 16, 1784.	28 lots on the east side, to Isaac Roosevelt Esq.	1176
Aug. 19, 1784.	28 lots on the east side, to Isaac Roosevelt Esq.	448
Aug. 19, 1784.	32 lots on the east side, to Nicholas Fish	1600

Sept. 9, 1784. House and lot on the west side, to Coenradt Errenfreed	106
Sept. 9, 1784. House and lot on the west side, to Dorathy Tournelong	65
Sept. 9, 1784. House and three lots on the west side, to Edward Mooney	320
Oct. 25, 1784. Lot on the west side, to Peter Webbers....	200

Among the purchasers were: John Pessenger, who bid in two lots, Sept. 1st, 1784, at a cost of £461, at the corner of Bowery Lane and Fisher (Bayard) Street, on which stood an old farm house. He was a German from the Mohawk valley and the butcher to whose care Washington confided Major Leitch, when mortally wounded in the Battle of Harlem Heights, Sept. 16th, 1776, and whom, when he came to New York as President, he made his purveyor. He was in the army. (Johnston's *Battle of Harlem Heights*, 81). About 1740 his parents resided in a German settlement called Stone-Arabia, some fifty miles from Albany. He occupied Stall No. 1, in the Fly Market and from this stand supplied one portion of the Continental Army. His patriotism early led him into the ranks of the Sons of Liberty. In supplying the army with provisions Washington's attention was called to him. On the retreat of the army to Bloomingdale Heights he went with them. On the morning of the battle he was at work slaughtering in a barn near by when Washington sent word to him to order all hands out to assist the wounded. This is how it happened that Leitch came to be assigned to his personal care. He removed the wounded man to a farm house. Here he died fourteen days later and was visited by his Commander-in-Chief. Pessenger continued with the army to White Plains and there again rendered service to the wounded. When the British took possession he vacated his property on the de Lancey farm, but when peace was proclaimed, returned and assumed charge, as well as of Stall No. 1. The property was sold, however, at the sale under forfeiture, the Commissioners being unwilling to accept the receipt of ownership which he held. So he was obliged to buy it anew. He continued his business at the old stand until he died July 4th, 1811. (*The Market Book*, 159).

Henry Ashdoor bought three lots, on the same date for £360. He signed his name Ashdoor to an advertisement of a reward for a stolen horse in April, 1783. He also was a butcher and was the first of this German name in New York, now so well known under its Anglicized form of Astor. He was a peasant from Waldorf in Baden and came to New York with the British troops during the war but after a short period managed to escape their service and entered into that of the "Art and Mystery of Butchering." Probably he was in one of the Hessian regiments. He was a step-son-in-law of Pessenger, having married Dorothy, a daughter of his wife by her first husband. She was childless and proved a valuable assistant in his business, even occasionally aiding him in the slaughter house. Their combined industry and frugality soon placed it in their power to enjoy a residence in the Bowery and the ownership of considerable property. The great and continued attachment which Astor had for his helpmate was oftentimes displayed in his bringing her home the gayest dresses or other fancy articles which he thought would please her, as there was nothing too good for his wife. In fact, he often (in his crooked English) expressed himself to his associates that his "Dolly was de pink of the Powery." After peace was declared Ashdoor sought citizenship and was naturalized under the Act of May 4th, 1784. Under his auspices and advice there came to New York, just at the close of the war, in 1783, a youth of twenty, his youngest brother, the late John Jacob Astor, who died in 1848, the richest man of his day in America. (*Ibid.*)

Other butchers were John and Alexander Fink. The former purchased two lots that day at £250 and two more at £80, while Alexander succeeded in acquiring, Sept. 20th, 1784, two plots of fourteen lots, each at £392. Philander Forbes bought the lot on the corner of the Broad-Way and Little Queen (Cedar) Street, on Aug. 16th, 1784 for £490 and an adjoining lot at £225. William A. Forbes, a gunsmith, received a conveyance of a lot on the easterly side of the Broad-Way, July 10th, 1786 for £300. Jacob Arden and John Beck, butchers, and Blaize Moore were de Lancey's tenants of the farm portion of the es-

tate of about one hundred and fifty acres, used chiefly for grazing purposes.

Gabriel Furman, inn keeper, bid in lots Nos. 3 and 4 on the Commissioners' map, bounded westerly by the Lane, northerly by lot No. 5, easterly by lot No. 27 and southerly by lot No. 2; and also Nos. 25 and 26. (*Sales of Property*, made by Commissioners of Forfeiture, compiled by John S. Ames, New York, May, 1885). According to an original abstract Furman conveyed Nos. 3 and 4 to the children of his friend John Somerindyke, who died Oct. 11th, 1790, possessed of a large real estate, 200 acres of which were located at Bloomingdale. For history of this farm readers are referred to *The New York of Yesterday—Bloomingdale*. Somerindyke's widow, Sarah, took out letters in 1791. The children were Margaret, wife of William A. Hardenbrook, Sarah, afterwards wife of John H. Talman, Abigail, who married (1) Leonard Thorn and (2) William T. Cock, George W. Somerindyke and Hyder Somerindyke. The abstract states that the deed was never recorded and adds that Furman was always the friend of the widow and children of said Somerindyke and assisted at the partition of the estate in 1809, particularly the large tract at Bloomingdale. The partition was voluntary and the releases and conveyances were drawn by J. T. Irving, Furman's son-in-law.

On June first, 1809, Somerindyke's heirs conveyed to William Mead, saddler, for \$2,500, all that part of the property, with the buildings thereon, situated in the Tenth Ward, bounded westerly in front on the Bowery, southerly by land belonging to said Mead, northerly by land belonging to Smith Hicks and easterly in the rear by land belonging to John Perrine, (L. 83:307) and also another part of this land, Sept. 6th, 1808, for \$3,700. (L. 81:169). Mrs. Somerindyke's release is recorded in L. 81:171. On May 16th, 1834, Gabriel Furman executed a release to William Mead of the premises as conveyed by the Commissioners. (L. 314:127). A diagram drafted thirty-five years (1844) after the conveyance of the fee makes the surveyor note that the plot corner of Division Street and the Bowery "has been built on by a large five story building covering most of the ground."

The land occupied by Degrashe as a rope-walk, which had

been under lease to him from as early as 1766, is laid down under his name on the Ratzer map of that year and both he and Byvanck appear on the survey of 1767. He also was a tenant of de Lancey. The name of Corlear's Hoek, so called for its first white owner, was changed by the English, after the conquest of the Dutch, to Crown Point, but both names are indited on these maps. Thereafter in some cases the two names conjoin or one or the other is used. The English name is now lost but the original Dutch designation still prevails. The Road to Crown Point, as shown on the maps, is now Grand Street. On Aug. 23rd, 1784, "the place at Corlear's Hoek commonly known as Degrashe's Rope-Walk," on Little Division, now Montgomery Street, was sold at the Commissioners' vendue to Nicholas Romain for £810 and that in possession of the heirs of Evert Byvanck, deceased, on the nineteenth of that month to Garret Abeel for £500.

Lot No. 27 was sold June 29th, 1786, to John Quackenbos for £1294, (*Liber of Sales of Forfeited Estates*, 142) bounded northerly by land of Peter Stuyvesant, east by Pitt Street and southerly by North Street, containing 22 lots. Lot No. 28 was conveyed January 11th, 1785, to the same person for £2300. (*Liber ibid.* 103). Bounded southerly by North Street, easterly by Columbia, northerly by meadow land of Bayard, Watts and Rutgers and westerly by Pitt Street, containing one hundred and fifteen lots. Lot No. 29 was sold Jan. 25th, 1785, to William Denning and Adam Gilchrist for £1292. (*Ibid.*, 59) bounded northerly by the land belonging to the above individuals, easterly by the Sound, southerly by North Street and westerly by Columbia Street, containing one hundred and thirty-six lots.

Said lots 27, 28 and 29 were cut up into city lots and a map thereof compiled by Daniel Ewen, C. S., from authentic surveys in March, 1824, which bore the certificate of Thomas Addis Emmet Jr., Master, that the property thereon inscribed was sold by him April 29th, 1824. (N. Y. Register's Office, Map No. 37, "of a piece of Upland and Meadow situated in the Tenth Ward near the Shipyards at Manhattan Island").

Byvanck used the leased land for shipyards, says de Lancey's notes. None of the maps mention his occupation. It would

seem that he simply had a country place on the spot noted so far as indication would appear. This business was carried on there by Valoe, according to the map of 1797, and in 1808, after the streets had been projected over the property, Valleau, as then spelled, still retained a wharf there.

Thus ends this review, romantic and fascinating, of the Bowery—a mile of history—to post-Revolutionary times. No other street tells so much of the story of the republic and its metropolis. Beginning at the aboriginal village on the future site of Chatham Square, in its different degrees of progress, it was an Indian trail; a bridle path to the homestead of the last and greatest of the Dutch governors, stout Petrus Stuyvesant, whose bouwerij gave its name to the roadway which his English successors widened and improved; a country post-road through which rattled the stages to Boston and Albany and down which the Quaker merchant Murray lumbered in his “leathern conveniency” from the heights of Inclenberg, now Murray Hill, and the wife of Frederick Phillipe, the Yonkers Patron, drove her four black ponies at break-neck speed; a broad avenue that echoed proudly to the tread of the American battalions that marched in with Washington on that November day which saw the last British soldier embarking at the Battery; a street bordered with stately poplars and lined with pretty rural homes in the early years of the last century; a street in its transition state famous for its firemen and its fights, for its theatres and its belles, for its patriotism and its pugilism, for its American types of character and its development of foreign methods, the Bowery is now a great historic thoroughfare which all nations of the earth have combined to make the most cosmopolitan of all streets in the New World. It has always been typical of city life and the story of New York would be shorn of much of its glory if no mention were made of the mile of street which stretches between Chatham Square and Cooper Union.

History of the Mormon Church

BY BRIGHAM H. ROBERTS, Assistant Historian of the Church

CHAPTER LXXXIX

“THE UTAH WAR:” PRELIMINARIES OF THE CAMPAIGN

QUITE contrary to what might have been expected, the announcement of the coming of the United States army to Utah created but little excitement in Salt Lake City and other principal settlements. The colonists of Utah were too inured to opposition— even to organize opposition—to be easily excited by its appearance: though it approached in a new form and seemed more formidable than hitherto. There was to be resistance to manifest injustice, of course, yet there would be no hysterical nervousness in that opposition. Confidence in the righteousness of their cause, and confidence in their leaders was too great to admit of undue excitement.

The first step in preparation was to send word to the district commanders of the Utah militia of the reported approach, “tolerably well authenticated,” of an army from the eastern states, to “invade Utah Territory.” This in an official note from the headquarters of the Nauvoo Legion, Salt Lake City, under date of August 1st, 1857, and signed by Daniel H. Wells, Lieutenant General commanding. Attention was called to the fact in this communication that the people of Utah had lived “in strict obedience to the laws of the parent and home governments, and are zealous for the supremacy of the Constitution and the rights guaranteed thereby;” but “in such time, when anarchy takes the place of orderly government, and mobocratic tyranny usurps the power of rulers,” the people “have

left the inalienable right to defend themselves against all aggression upon their constitutional privileges." The Saints for "successive years" had witnessed the desolution of their homes, the barbarous wrath of mobs poured upon their unoffending brethren and sisters; their leaders arrested, incarcerated and slain, and themselves driven to cull life from the hospitality of the desert and the savages." The Latter-Day Saints were unwilling to endure longer these unceasing outrages; and if an exterminating war be proposed against them and blood alone can cleanse pollution from the nation's bulwarks, "*to the God of our fathers let the appeal be made.*" The district commanders¹ are then instructed to hold their respective divisions of the militia in readiness to march at the shortest possible notice to any part of the territory; to see that the law was strictly enforced in regard to arms and ammunition; and "as far as practicable, that each ten be provided with a good wagon and four horses or mules as well as the necessary clothing, etc., for a winter campaign * * * *Avoid all excitement, but be ready.*"²

On receipt of this order there was prompt but quiet preparation made throughout the militia districts.

In addition to the military instructions in the foregoing order the military leaders were admonished "to use their influence for the preservation of the grain;" and this word of counsel was everywhere given and insisted upon, since food supplies would be of prime importance in the impending conflict.³

The next step in preparation was to call home all the members of the Apostles' quorum who were presiding over Mis-

1. The names of these commanders and their respective districts were as follows: Colonel W. H. Dame, Parowan; Major L. W. McCullough, Fillmore; Major C. W. Bradley, Nephi; Major Warren S. Snow, Sanpete; General Aaron Johnson, Petetneet; Colonel William B. Pace, Provo; Major Samuel Smith, Box Elder; Colonel C. W. West, Weber; Colonel P. C. Merrill, Davis; Major David Evans, Lehi; Major Allen Weeks, Cedar; Major John Rowberry, Tooele. Tullidge's History Salt Lake City, p. 168.

2. The "order," *in extenso* will be found in *The Contributor*, Vol. III, p. 177. The Contributor was edited by Junius F. Wells, son of General Wells, and the article "The Echo Canon War"—in which the "order" appeared—was prepared by the younger Wells over the *non de plume* "Vaux."

3. See ante chapter LXXXVI, this History, note 14; for Geo. A. Smith's mission to the settlements in southern Utah, and instructions not to sell grain to passing immigrant companies to feed to stock; also justification of this policy, *Id passim*.

sions; and quite generally also all the "Utah Elders;" and all the Saints in the most distant out-lying settlements, such as the San Bernardino and Carson Valley settlements.

Elder John Taylor and Erastus Snow of the Apostles' quorum, who had been in charge of missions in the United States, the first stationed at New York, the second at St. Louis, were already enroute for Salt Lake City, where they arrived on the 7th of August.⁴ Other elders traveling as missionaries throughout the several states of the American Union also made their way home, to share the fortunes of their people.

Samuel W. Richards was dispatched to England to carry instructions to Orson Pratt and Ezra T. Benson of the Apostles' quorum—the first being the President of the European Mission⁵—and all the "American Elders" to return home. Elder Richards was also entrusted with a special express to President Buchanan, informing the President that his army could not enter Utah until satisfactory arrangements had been made by commission or otherwise. Elder Richards also carried with him as part of his dispatches to the President and congress copies of the *Deseret News* of August 12th, containing a carefully prepared, though caustically worded editorial embodying the views of the Presidency of the Church and of the Twelve Apostles on the Utah crisis.^{5½} These he delivered to Col.

4. *Deseret News* of Aug. 12th, 1857.

5. The "European Mission" was founded by the union of all the missionary districts, conferences, and branches of the Church in European countries, as also all such sub-divisions in Africa, Australia and India, under one presiding authority in June, 1854, when Elder Franklin D. Richards, of the council of the Twelve arrived in England, authorized by his letter of appointment "to preside over all the conferences and all the affairs of the Church in the British Islands and adjacent countries." "This," says Jensen, (*Church Chronology*, p. 51), was the beginning of what is called the European Mission." (See also Whitney's Biography of F. D. Richards, *Hist. of Utah*, Vol. IV, p. 316-17).

5½. *Deseret News* of August 12th, 1857. The caption of the editorial is "*The United States Government and Utah*." It expatiates upon the opportunities for greatness on the part of the United States, the likelihood of losing that opportunity by corrupt political methods. Utah's area is described, a mixture of widely desert areas with narrowly limited fertile spots, but lying athwart the best central line of communication between the Pacific slope, the land of gold, and the east. "Did not the government offer large bounties in land and almost stretch its delegated powers, to pave the way for the settlement of so desolate a country," is asked. "And did they not shake off a barbarous relic of colonial usage and guarantee to the settlers in such a region, even more fully and cheerfully than is accorded to those dwelling in more desirable locations, the constitutional right of electing their own officers?" "We will answer," says the editorial. And then is passed in review the enforced exodus from Nauvoo, the service of the Mormon Battalion; the settlement of the Great Basin valleys, and a contrast between the pre-emption laws of

Thomas L. Kane for transmission to the President, and then proceed to New York, where he was interviewed by the *N. Y. Tribune*, which gave, without prejudice, the Mormon view of the Utah situation as represented by Elder Richards, and which, fortunately, was much more pacific in tone than the editorial of the *News* of the 12th of August,⁶ and more likely to allay prejudice. Arriving in England with President Young's message to the two Apostles and the American brethren to return home, Elder Richards was appointed to take temporary charge of the European mission. The returning apostles, with four other Utah Elders, made the journey *via* Isthmus of Panama, thence to San Bernardino and Salt Lake City where they ar-

other Territories, and the neglect to provide such laws for Utah. The law and order maintained in Utah is contrasted with the lawlessness and violence in the Territories of Nebraska and Kansas. The extreme, and indeed the questionable view is taken that the purpose of the government in sending its armed expedition to Utah is to corrupt or exterminate the Latter-day Saints. To pave the way for the attainment of such an end, and indeed to goad the people if possible to some overt act which can be seized upon for a plausible pretext to encompass such an end, the government "persists," to use the language of the editorial, "in the barbarous colonial usage of thrusting strange and outside officers upon us—contrary to our lawful and oft expressed unanimous choice—the majority of whom are mostly well known to be utterly base and unworthy." "One of President Buchanan's cabinet has styled our legislative assemblies disrespectful and threatening," continues the editorial, "because, forsooth, they plainly though most respectfully set forth their constitutional rights in the matter of officers for Utah; and that most strictly in accordance with the teachings of Thomas Jefferson, the great father of the party now in power." Some of the closing paragraphs are intemperate speech, the following quotation representing the least offensive parts: "If you intend"—addressing the administration—"to continue the appointment of certain officers, we respectfully suggest that you appoint actually intelligent and honorable men, who will wisely attend to their own duties, and send them unaccompanied by troops, which you yourself know are of no lawful use here; and your officers will be treated strictly according to their acts and merits, as you also well know has always been the case, except that we did not hang up some of the infernal scoundrels you have heretofore sent, as they most richly deserved. And if you will not receive this fair counsel, but persist in sending us officials from the tag, rag and bobtail of wh—houses, grog shops and gambling hells, we shall take the yankee liberty of guessing your kind (?) intentions towards us, and shall also take the liberty, for the first time, of using that class of officials strictly in accordance with their deserts." One can but regret the harshness of this editorial, sent to the President and congress as special express from Utah; but one regrets more that such had been the character of many of Utah officials appointed by previous administrations, that there was some color of justification for its harshness and but slightly veiled threats.

6. See *N. Y. Tribune* of 12th September, 1857, copied into *Hist. of Brigham Young, Ms.*, entry for Sept. 12, 1857, pp. 502-7. For character of Richard's mission see *Id.* pp. 418-9, and Biography of Richards by Whitney, *Hist. of Utah* Vol. IV, p. 324. The latter affirms that the "bold message" carried by Richards and given into the keeping of Col. Kane, "was delivered to the President" by that gentleman. If that be true, may not that have paved the way to the tender of or to the solicitation of, the service of the Colonel in the settlement of the "Utah question" when it had reached its climax? For such service, as we shall see later, was rendered by Col. Kane.

rived in January, 1858. Twenty-four other elders from the European missions returned home *via* New York—landing there, on the 10th of March, 1858—and by various routes made their way to Utah.⁷

About the time that Elder Richards was sent to England to release the Utah missionaries in Europe Peter Conover was sent with an escort of ten or twelve men to bring in the settlers from Carson Valley.⁸ Conover arrived at the Carson settlement on the 5th of September, and in three weeks the Saints had disposed of their holdings and property, as far as possible, and at great sacrifice, and began the journey to Salt Lake City, where they arrived on the 2nd of November. The company comprised 450 souls traveling in 123 wagons, separated into two divisions. Bishop William R. Smith of Davis county—later to become President of Davis stake of Zion—was captain of the first division; John Little, captain over the second; and Chester Loveland, an experienced plainsman, commander of both divisions. It was reported by their leaders that there were 160 men in the companies, capable of bearing arms. Before leaving Carson Valley the settlers sent agents over the Sierras to San Francisco to purchase \$800.00 worth of ammunition, besides such quantities as could be bought in the Carson settlements.⁹ Altogether they reported 2,700 lbs. of community ammunition, besides large quantities in the possession of individuals. The company also brought a large number of arms, and altogether was a substantial re-inforcement to the Salt Lake Valley community.

The Saints from San Bernardino returned to Utah in several companies in the closing months of 1857, and in the early months of 1858, many of them making their homes in the southern settlements of the Territory. They, too, brought with them large

7. See N. Y. *Herald* of March 12th. One of the number through this issue of the *Herald* gave an intelligent exposition of the attitude of the Saints in respect of the issues recently and then existing between the Saints and the federal administration. Stenhouse in his "*Rocky Mountain Saints*," paints a livid picture of the "terror" of these returning elders, which is all out of character; and contrary to the quality of courage which generally, and even by Stenhouse himself, is accorded to the Elders of those days. The description given by Stenhouse smacks of apostate malice. (See *Rocky Mountain Saints*, pp. 554-6).

8. *Hist. of Brigham Young Ms.*, August, 1857, p. 435.

9. They reported that they left but two boxes of caps and 1 lb. of powder in all Carson Valley. (*Hist. Brigham Young Ms.*, p. 744).

stores of arms and ammunition. A Los Angeles correspondent of the *Alta*, (California) under date of November 23rd, notes the departure of fifty-five Mormon families from San Bernardino the previous week, saying that "within six weeks one thousand persons will have forsaken their homes in that valley in obedience to the commands of their Chief. Men, women and children go off without a murmur and with countenances lighted with stern joy, at the assurance they receive that they are about to fight and destroy their enemies. * * * There is not one line in the face of a Mormon that does not defiantly say, 'we will die before we submit.'" The correspondent deplors that steps have not been taken to guard the Cajon Pass—the only gate-way from southern California to Utah—to prevent the transmission of munitions of war and of the enemy, whither Mormons or Indians.¹⁰

The first movement of Utah forces in the field was the trailing eastward of a "corps of observation," consisting of seventy-five men under the command of Col. Robert T. Burton of the Nauvoo Legion. The corps left Salt Lake City on the 15th of August,¹¹ under orders to protect and aid the incoming Mormon immigration of that year, which though small in comparison with that of the previous years, numbered over twelve hun-

10. The article is copied into *Hist. of Brigham Young, Ms.*, Nov., 1857, pp. 195-6. The Los Angeles *Star*, the nearest newspaper to the home of the Saints, in referring to the abandonment of San Bernardino, gives them this indorsement of good character.

"From our acquaintance with the people of San Bernardino, we must say that we know them to be a peaceable, industrious, law-abiding community. Under great disadvantage they have cultivated their farms, and caused the ranch, [San Bernardino] which was, before their occupation almost unproductive, to teem with the choicest products of the field, and the garden. With their peculiarities of religion or church we have nothing to do; we know them to be good citizens, and cheerfully testify to the fact. Beside the people of San Bernardino, our State will lose three or four hundred other Mormon citizens many of whom are now on the way to join the departing Saints." (*Hist. of Brigham Young Ms.*, entry for November, 1857, pp. 796-7).

11. Col. Burton received his orders on the 13th of August. His command was to consist of 160 men from the first regiment of the Legion; but the character of the service upon which he was ordered demanding haste, he took seventy-five men from the Life Guards of the Legion and departed two days later, accompanied by Col. Jas. Cummings, of the general staff; Major J. M. Barlow, quartermaster and commissary; Major H. W. Lawrence, Lieutenants J. Q. Knowlton, and C. F. Decker. They were afterwards joined by a company from Provo, commanded by Joshua Clark. (See "The Echo Canon War," J. F. Wells, Contributor, Vol. III, p. 177-8).

dred souls.^{11½} In addition to aiding the immigration Burton's command was under orders to learn the location, strength and equipment of the United States forces approaching Utah; and report their progress and all their movements to Utah headquarters. He was also to note strategic points along the route which might be taken advantage of in opposing the army's entrance to Utah; but was under strict orders not to interfere with the life or property of any one.

About a month after Burton's departure a volunteer company was called ostensibly to found a settlement on the Snake river, in the vicinity of Fort Hall. It was known as the "Black-foot Mission." Its real purpose, however, was to be on the northern route of the Utah Expedition, in the event of its making a detour *via* Soda Springs, and Fort Hall, to watch its movements and report them. The command numbered forty-three, under the leadership of Captain Andrew Cunningham. The list of their names will be found in History of Brigham Young.^{11½} As it became definitely known before the winter was far advanced that it was not the intention of the commander of the Expedition to attempt any other route to Salt Lake City than the direct one *via* Fort Bridger and Echo Canon, the Cunningham command was recalled during the winter.

Another northern expedition of observation was executed under the leadership of Marcellus Monroe, connected with Col. West's command of Weber county's militiamen. The company consisted of twelve mounted men who took their course through Ogden canon, crossed the mountains to Bear Lake, thence up Bear river valley, and across the mountains *via* Lost Creek to the Weber, and so to Ogden. The object of their expedition was to become familiar with the mountain passes, to locate sallying points and places for retreat in the event of an active campaign opening.

^{11½}. One thousand nine hundred and ninety-four souls had left various European countries for Utah; but of this number only one thousand two hundred and fourteen started on the overland journey. Their camp equipment was as follows: 157 wagons, 646 oxen, 20 horses, 18 mules, 75 cows, 19 loose cattle and 97 hand carts. In addition to the above numbers there were a few other emigrants accompanying groups of returning missionary elders. (Report of A. M. Musser, secretary of emigration agent, 1857, quoted by Jensen in "Church Emigration" Contributor, Vol. XIV, p. 344).

^{11¾}. Hist. Brigham Young Ms., entry for Sept., 1857, p. 513).

According to Burton's own narrative he reached Fort Bridger on the 21st of August; and five days later met, at Pacific Springs, the first Mormon immigrant companies; and the next day several large supply trains for the government entirely unprotected by any escort.

Leaving his wagons and half of his men on the Sweet Water, Colonel Burton proceeded eastward to Devil's Gate, which he reached on the 30th of August, meeting frequently the westward moving immigrant companies. In this locality he cached considerable quantities of provisions for future use. On the 8th of September he sent an express in advance to the Platte, which four days later returned with information of the approaching U. S. forces. From this time Burton's command began its slow return westward, meanwhile keeping close observation of the army's movements, including its scouting operations. When Col. Alexander's division of the Expedition, comprising the 5th and 10th U. S. infantry regiments, with Phelps and Reno's battery, camped at Devil's Gate, on the 22nd of September, Col. Burton, with three companions, camped within half a mile of him; and from thence until the troops arrived on Ham's Fork, an indirect western tributary of Green river, Col. Burton's command kept in the immediate neighborhood of the army, reporting by frequent express riders its every movement either to Governor Young or General Wells.¹²

Up to the latter part of August it was supposed in Utah that General Harney was in command of the Utah expedition. An express from Deer Creek station, 300 miles east of Salt Lake

12. Col. Robert Taylor Burton was a most efficient officer for this service. He was possessed of great powers of endurance, tireless energy, cool, brave, cautious; sound of judgment, and courteous in conduct, he had also that indescribable something which holds and attracts men to their leaders. He was an ideal officer, both in appearance and temperament, and doubtless in a wider field would have won military distinction. His service previous to the "Utah War" was in the several campaigns against the Indian tribes in Utah, both under the authority of the provisional state government of Deseret and the Territory of Utah; and he was also active in the relief corps that went to the aid of the belated hand cart immigrants of the year previous. He was the son of Samuel and Hannah Shipley Burton, the tenth child in a family of fourteen, half of whom were born in England and the others in America. Robert himself was born in Amersburg, West Canada, October 25th, 1821. His grandparents, Samuel and Mary Johnson Burton, were of Yorkshire, England. Robert T. Burton, both as a military officer and counselor in the Presiding Bishopric of the Church will be a leading figure in the Church history. An excellent steel engraving, which is a good likeness of him, accompanies this chapter.

City, brought the news on the 25th that "General Harney's train lost 480 head of beef cattle, stolen by the Cheyenne Indians."¹³ Also that "General Harney is very secretive and the officers at Laramie will give nobody any information; but it has leaked out that Harney determined to remove all Mormon stations on the road." Under date of 26th of August, President Young said: "I have sent word to General Harney that I wish for peace, and do not want to fight anybody; but he must not come here with a hostile army, and if he undertakes it, we shall prepare to defend ourselves."¹⁴

As the immigration companies began to arrive, however, they brought news of the detention of General Harney in Kansas, and of the appointment of General—then Colonel—Albert Sidney Johnston to the command of the Utah expedition. They brought word of the anti-Mormon bitterness prevailing in the east; of the talk on the plains, at the stations, the forts, and in the army camps; all of which was not very reassuring for Utah's peace, since there were threats with cursing as to what would be done with the Mormons, once the army was in Salt Lake Valley. "All the way from the states to Laramie," reported Captain John R. Murdock," it was G—d—n the Mormons. At Laramie the officers [i. e., the local officers stationed there, not the officers of the Utah Expedition] tipped their hats; and from there everybody was respectful."¹⁵ The only offset

13. History Brigham Young, *Ms.*, entry 23rd August, 1857, p. 438. John R. Murdock, plains-captain, arriving twenty days later, reported that the number of beef cattle lost by the expedition was 850 head; and that the rest of the 2,000 head of beef cattle, with which the expedition started, had been returned to the states, *Id.* pp. 471-2.

14. *Id.*, p. 438-9.

15. History of Brigham Young, *Ms.*, entry 5th Sept., 1857, p. 472. Captain John R. Murdock is a most reliable and truthful gentleman; as also one of the greatest plains captains of the Church's pioneering and overland journeying days. He had carried the United States July mail from Utah to Independence that year, making the eastward journey of twelve hundred miles in fifteen days. The government having suspended the mails to Utah he had no return mail. He went as far east as St. Louis, thence returned to Atchison, Kansas where he took charge of a train of merchandise for Bell and Kincaid, Salt Lake merchants, which he captained over the plains. *En route* he came in contact several times with detachments of the Utah Expedition, and from soldiery and train-masters learned what they expected to do upon reaching Utah (Biographical sketch of John R. Murdock by J. M. Tanner—1909—*Deseret News* print, pp. 122-129). An incident exhibiting the high spirit of Captain Murdock—and, in a way, of the Mormon spirit in general—occurred on the plains in connection with the loss of the Expedition's beef cattle noted in the text. "A party of men came into Murdock's company and said 'We have lost 850 head of cattle, and don't know who got them; Indians we believe stole them; we

to this vicious aspect of things eastward was the news that five hundred men had deserted from the Expedition—thirty in one night—and “there was much opposition in the states against the administration forcing the troops into Utah.”¹⁶

On the 18th of September Charles Decker and Jesse Earl came from Burton’s command as an express. These brethren representing themselves as California immigrants had been within the camps of the Utah Expedition and had mingled freely with the soldiers. Inquiring as to what they intended to do in Utah, the answer was: “Scalp Old Brigham.” “Have you seen him?” would be the return inquiry. “Yes.” “How does he feel?” “Rather scary,” the brethren answered.¹⁷

Doubtless much of what was thus reported was merely the utterances of the irresponsible soldiery, the teamsters and the camp followers of the Expedition—the mere braggadocio of the camp. Certainly it does not comport with the written instructions of the war department to the commander of the expedition; nor to the high character of the official personnel of the Expedition. As to the former, in outlining “the principles” by which he was to be guided, the War Department instructions said:

believe half of the Indians that stole those cattle were Mormons’. Murdock replied; ‘This company are all Mormons, you had better mind what you say.’ After this the party were very respectful.” (Murdock’s Report; History of Brigham Young, Ms., entry 5th Sept., 1857, p. 472). Murdock met Col. Burton’s command at Devil’s Gate, and consented to leave his train and carry that officer’s express to Governor Young. He rode day and night, and with a change of horses made the journey of three hundred and forty miles in four days. (Biographical Sketch, p. 289).

16. Murdock’s report (*Ibid.*, p. 472). The numerous desertions from the Expedition are confirmed by S. W. Richards, as are also the reports of the ribaldery of the camp in relation to what would be done with the Mormons, once the army was in Salt Lake Valley: Mr. Richards in a letter to Orson Pratt, published in *Millennial Star*, Vol XIX, p. 670, says: “At Fort Kearney we learned that many were deserting from the expedition, both troops and teamsters, and the officers had been obliged to hold out inducements, and adopt rigid regulations, withholding pay for one year, etc., to suppress, as far as possible, the spirit of desertion. It was thought this spirit would greatly increase as they advanced towards the mountains, and encountered the severity of the mountain storms, which must necessarily overtake them. Even at Kearney the soldiers were in very high glee at the idea of wintering sumptuously in Utah, where, as the Paddy said, ‘the women are as thick as blackberries,’ and it was a great wonder to them what Brigham Young would say to see them with his wives parading the streets of Great Salt Lake City. Every dirty, foul-mouthed Dutchman and Irishman, of which many of the troops were composed, fully expected some “Mormon” woman would jump into his arms upon his arrival in Utah, and hail him as a heavenly messenger sent to bring deliverance from ‘Mormon’ degradation, wretchedness, and despair.”

17. History Brigham Young, Ms., 1857, p. 532.



R. H. Burton

Grand Commander, G. O. P. Association

Was. Temp. in G. O. P. Convention

“If the governor of the Territory, finding the ordinary course of judicial proceedings or the power vested in the United States’ Marshals and other proper officers inadequate for the preservation of the public peace, and the due execution of the laws, should make requisition upon you for a military force to aid him as a *posse comitatus* in the performance of that official duty, you are hereby directed to employ for that purpose the whole or such part of your command as may be required; or should the governor, the judges, or marshals of the Territory find it necessary directly to summon a part of your troops, to aid either in the performance of his duties, you will take care that the summons be promptly obeyed. *And in no case will you, your officers, or men, attack any body of citizens whatever, except on such requisition or summons, or in sheer self-defence.*

In executing this delicate function of the military power of the United States, the civil responsibility will be upon the governor, the judges, and marshals of the Territory. While you are not to be, and cannot be subjected to the orders, strictly speaking, of the governor, you will be responsible for a jealous, harmonious, and thorough co-operation with him, on frequent and full consultation, and will conform your action to his requests and views in all cases where your military judgment and prudence do not forbid, nor compel you to modify, in execution, the movements he may suggest. *No doubt is entertained that your conduct will fully meet the moral and professional responsibilities of your trust; and justify the high confidence already reposed in you by the government.*

So well is the nature of this service appreciated, *and so deeply are the honor and the interest of the United States involved in its success*, that I am authorized to say that the government will hesitate at no expense requisite to complete the efficiency of your little army, and to insure health and comfort to it, as far as attainable. Hence, in addition to the liberal orders for its supply heretofore given—and it is known that ample measures, with every confidence of success, have been dictated by chiefs of staff departments here—a large discretion will be made over to you in the general orders for the movement.”¹⁸

18. These instructions issued from the headquarters of the army, New York, June 29, 1857, signed by Geo. W. Lay, Lieutenant Col., *Aid de Camp*, to General Winfield Scott. They were addressed to General W. S. Harney, at Fort Leavenworth, but were afterwards turned over to Col. Johnston to be considered as instructions addressed to himself (see letter of Irvin McDowell, Ass. Adjutant General, date of Aug. 28th, 1857. House Ex. Doc. 35th Cong., 1st Sess., X, note 71, p. 13). The letter containing Harney's instructions was afterwards turned over to Johnston and quoted in the text is to be found in the same Vol. of Doc. pp. 7-9.

Furthermore, when Gen. Harney, before being relieved of the command of the Utah Expedition, sent Captain Van Vliet to Utah to negotiate for the encampment and provisioning the Expedition, it was stated in a letter of instruction to Captain Van Vliet, written by Captain Pleasanton, Asst. Adj. General to Gen. Harney, "that the general commanding has deemed it proper and courteous to inform President Young, of the society of the Mormons, of the object of your visit, and has also requested of him the required facilities to enable you to execute your instructions certainly and effectively." * * * You will obtain a suitable location for the troops in the vicinity of Salt Lake City, sufficiently near to be effective in supporting the civil authority in the maintenance of the Territorial laws, *but allowing ample room to prevent an improper association of the troops with the citizens—an object in this selection of primary importance.* * * * You will impress upon the officers in charge of your escort the imperious necessity for a very careful circumspection of conduct in his command. The men should not only be carefully selected for this service, but they should be repeatedly admonished never to comment upon or ridicule anything they may either see or hear, and to treat the inhabitants of Utah with kindness and consideration."^{18½}

These instructions make of the "Army of Utah" merely a *posse comitatus*, to aid the Territorial executive and judiciary authorities, yet keeping the military subordinate to the civil authority. Evidently the Utah Expedition was to be no army of invasion and conquest.

As to the second consideration, the high character of the official personnel of the Expedition, which makes it certain that the ribaldry of the soldiers and of the camp followers did not represent the purpose of the Expedition—it is only necessary to name them, for their names now rank high in the country's honored galaxy of the nation's great generals.

General W. S. Harney, first assigned to the command of the expedition, was a veteran soldier of Revolutionary ancestry. He had served with distinction in both the Blackhawk and Florida Indian wars, as also in the war with Mexico. After the

close of this war he was in the service on the western frontiers, and in 1855-6, with a command of 1,500 soldiers, defeated the Brule Sioux, at Ash Hollow, one hundred miles southeast of Laramie, under chief Little Thunder; and as many Indian women and children were killed in the engagement, his enemies dubbed him "squaw-killer Harney." He was an efficient officer, however, and at the opening of the Civil War was in command of the Western division of the army stationed at St. Louis.¹⁹

General Persifer F. Smith was assigned the commander of Harney's release, but he fell ill at Fort Leavenworth and died before assuming command of the Expedition.

Colonel (afterwards General) Albert Sidney Johnston, who finally became commander of the Expedition, was a Kentuckian, a graduate of West Point, and, at the time of his appointment to the command of the Utah Expedition, Paymaster in the United States army under the appointment of President Zachery Taylor, and later to become the hero of the battle of Shilo in the war between the states.²⁰

Major (afterwards General) Fitz John Porter, was assistant adjutant general to Col. Johnston. He was the cousin of Admiral D. D. Porter, one of the most distinguished officers of the American navy, as also a member of one of the most distinguished families of America. Fitz John Porter was also a West Point graduate, and during the Civil War served with distinction in the union army.

19. General Fitz, John Porter, years after the Expedition, stated that Harney knew and dreaded the rigors of a winter in the Rocky Mountains; and so late was the Expedition in starting that Harney both feared, and predicted disasters, and induced Governor Walker of Kansas, his friend, to ask his own detention in Kansas, on the plea of his presence being necessary to quell the border disturbances. Porter, quoted by Linn, "Story of the Mormons," p. 482.

20. General Johnston had seen service in the Black Hawk War, as adjutant general in the Illinois militia forces. At the close of that war he resigned his commission in the United States army to join that of Texas, when that country was struggling for interdependence. Recognized as a good disciplinarian he was appointed Adjutant General and perfected the organization of the Texan army rising rapidly through all the grades until, in 1837, he was made commander-in-chief, and later acted, under President Lamar, as Secretary of War in the independent republic of Texas. At the outbreak of the war with Mexico, on the solicitation of General Zachery Taylor, Johnston joined the United States army, and was chosen Colonel of the first Texas regiment, and served with distinction. At the close of the war he returned to private life as a planter in Brasoria county, Texas, where he remained until 1849, when he was appointed Paymaster in the U. S. Army.

Col. Alexander, to whom leadership of the advanced division of the Expedition fell by virtue of seniority of rank, was a gentlemanly officer, of no great ability as a leader, but certainly not vicious or lawless; President Young said to him—when the Colonel called to make his adieux on leaving the Territory, August 8th, 1858—“that he had no doubt that if he had had half an hour’s interview with him last fall (1857), the army might as well have come in last fall as this spring.”²¹

Lieutenant Colonel Charles F. Smith of the 10th infantry, was a graduate of West Point, 1825, and served as instructor, adjutant and commandant in that institution from 1829-40. He had commanded a light battalion in the Mexican war and was distinguished at Palo Alto, Resaca de la Palma, Monterey, and Churubusco. He had also seen service in Kansas. In the Civil War he became the hero of the Union army at the capture of Fort Donleson, for which he was promoted to a Major Generalship, and for a time, under General Halleck’s appointment, superseded General Grant, and but for an illness from a wound which compelled his retirement, he would have commanded at the Battle of Pittsburg landing. John Fiske in his *Mississippi Valley in the Civil War* (p. 62) speaks of him as “one of the truest men and finest officers in the Federal service.”

Captain (afterwards Major General) Stewart Van Vliet—who bore an important part in the Expedition as advance courier of it, was assistant Quartermaster U. S. A., of General Harney’s staff. He had before time come in contact with many of the Latter-day Saints at Winter Quarters, where he had employed some of them, and treated them fairly. Referring to the Captain’s presence on the stand at the Tabernacle, on Sunday the 13th of September, President Young, in his public address, said:

“From the day of his (Van Vliet’s) visit to Winter Quarters, many of this people have become personally acquainted with him, both through casual intercourse with, and working for, him. He has invariably treated them kindly, as he would a Baptist, a Methodist, or any other person, for that is his character. He has always been found to be free and frank, and to

21. History of Brigham Young, *Ms.*, entry for Aug. 8th, 1858, p. 879.

be a man who wishes to do right; and no doubt he would deal out justice to all, if he had the power. Many of you have labored for him and found him to be a kind, good man; and I understand that he has much influence in the army through his kind treatment of the soldiers."²²

Colonel (later Major-General) Philip St. George Cooke, who commanded the six companies of 2nd Dragoons in the Utah expedition, was also the honored leader of the Mormon battalion in its memorable march to the Pacific coast, 1846-7. While a stern officer, Col. Cooke was an honorable man.

Captain (afterwards Brigadier-General and Inspector-General of the United States army) Randolph Barnes Marcy, was a most gentlemanly officer, and the one who performed the most distinguished service in the Utah Expedition.²³ He was a West Point graduate, served in the Mexican war during which he rose to the grade of Captain. He was the father-in-law of General McClellan, and at the beginning of the Civil War served as chief of staff to that officer. General Marcy, later in life, was the author of a number of books dealing chiefly with army life on the western frontiers.

An expedition so officered justifies what has been so frequently said of it, *viz.*, that it comprized the very "flower of the

22. *Deseret News*, impression of Sept. 23rd, 1857. See also History of Brigham Young, *Ms.*, entry for Sept. 9th, 1857, p. 474. Reference to Van Vliet's former honorable conduct towards the Mormons in the *Ms.* History of Brigham brought forth the statement from the Captain that "he had always been gratified in his intercourse with Mormons; when he had benefited any of them it was not because they were Mormons, or Baptists, but because he felt it to be his duty." The *Deseret News*, editorially referring to Capt. Van Vliet, after his departure at the end of his official visit to Salt Lake City, said: "Were all government officials like Captain Van Vliet, and did they conduct themselves with that urbanity and gentility which constantly marked his course during his short stay in Utah, then indeed the more officers sent here the better would our Territory flourish." *Deseret News* impression of 16th Sept., 1857.

23. This service consisted of a mid-winter expedition across the Unita Mountains, with two guides and thirty-five volunteer companions to New Mexico, to secure the large number of horses and mules that would be needed in the spring to convey the Expedition to Salt Lake Valley. The march is regarded as one of the most remarkable on record. It was persisted in by the intrepid leader after the Indian guides refused to go farther to what they insisted would be certain death. The little command finally reached the valley of the Rio Del Norte, however, with the loss of but one man; and at Fort Massachusetts and vicinity, obtained about 1,500 head of horses and mules with which the Captain returned to Utah army headquarters at Camp Scott, on the 8th of June, 1858; to which point he was escorted by five companies of infantry and mounted riflemen. This expedition was the subject of high commendation by General Scott, "and was mentioned by the secretary of War in terms of highest praise." Marcy himself tells the thrilling story of his expedition in his "Thirty Years of Army Life on the Border."

American army;''²⁴ and an expedition made up of such a division of the army, and so officered, cannot be thought of as having for its purpose any other than honorable service; and forbids the thought of its being engaged in a wanton war of invasion and conquest, or the likelihood of its becoming an irresponsible mob revelling in Bachanalian orgies in the despoiled settlements and towns of an American community.

The great misfortune in the whole matter was, however, that the purpose of the administration in sending the Expedition to Utah was not known by the Mormon Church leaders, nor by the people of that Territory; nor did they know definitely what officers were commanding the Expedition, or what their instructions. Not even Col. Alexander, leading the advance division of the army,—up to his arrival on Ham's Fork, and as late as October 8th—knew anything of its purpose; he knew only of its destination.²⁴ And Captain Van Vliet, in a meeting with the leading Church authorities in the Social Hall, September the 9th, when seeking as the Assistant Quartermaster to make arrangements for the Expedition's encampment in the Territory, could give no very definite, or satisfactory explanations of the purpose of the Expedition, though he disclaimed its purpose being what was then commonly reported in Utah—namely, conquest and destruction of the Mormon people;²⁵ and sought to allay the apprehension and prejudices of the church leaders.

24. Tullidge, Hist. S. L. City, p. 190. The Expedition was made up of the 5th and 10th infantry; of Phelps's, and finally of Reno's, battery, of the 4th artillery, and the 2nd dragoons, 2,500 men in all. (See Circular to the appropriate officers signed by General Winfield Scott, House Executive Documents, 35th Congress, 1st Sess., X, No. 71, pp. 4, 5).

24. On the 8th of October Col. Alexander in a communication to the officers of his command declared to them that "no information of the position or intention of the commanding officer has reached me, and I am in utter ignorance of the object of the government in sending troops here, or the instructions given for their conduct after reaching here." (House Ex. Doc. 35th Cong., 1st Sess. X, No. 71, pp. 38-40).

25. Following is what occurred at the meeting on this point. D. H. Wells, who had just read a letter presented by Captain Van Vliet, to the assembled brethren, describing the purpose of the Captain's visit, said:

Gen. Wells: "This letter states that Capt. Van Vliet will explain the object of their incoming here.

Prest. Young: "Understood it merely to refer to Mr. Van Vliet's coming here.

Gen. Wells: "Perhaps Mr. Van Vliet may have some understanding of the object of there coming here.

Captain Van Vliet: "Had no information further than the order published for troops in this direction, which merely designates a certain number of troops, and in the first place organized the Utah Military Department, the same as the Kansas

On the part of the church leaders they only knew that in "the states" there was a great uproar against the "Mormons," occasioned by the false reports of Ex-Judge Drummon, *et al.*; that all kinds of extravagant suggestions relative to "solving the Utah problem" had been made, from the distribution of Bibles in the community, to the sending of successive detachments of the U. S. army to the Mormon settlements to induce their young women to leave the homes of their people, when the detachments of troops should successively leave the settlements for California or elsewhere.²⁵ What the Church leaders heard from the army camps and the plains' stations was of the same but of deeper crimson than this. "We were well informed as to the object of the coming of the army," said Elder John Taylor, of the council of the Apostles, when discussing this subject with Vice-President Schuyler Colfax, in 1869. "We had men in all the camps, and knew what was intended. There was a continued boast among the men and officers, even before they left the Missouri river, of what they intended to do with the Mormons. The houses were picked out that certain persons were to inhabit; farms, property, and women were to be distributed. '*Beauty and Booty*' were their watchword. We were to have another grand Mormon conquest, and our houses, gardens, orchards, vineyards, fields, wives and daughters were to be the spoils."²⁶

Department, and then goes on to assign the troops for this department; these are the orders that are published. *The instructions that may be given, I do not know*, though many suppose their orders will be to support the Government and the laws in case they are violated. I have seen the instructions to the troops in Kansas, and those instructions were of such a character. No instructions have been given as has been reported, to violate the law and right; I am convinced of it." (Hist. Brigham Young, *Ms.*, entry for Sept. 9th, 1857). The assurance of Captain Van Vliet, however, seemed not to have been convincing to the brethren, (see his report to Captain Pleasanton A. A. Adj't Gen. Army for Utah, dated from Ham's Fork, Sept. 16th, 1857. See also Sermons of John Taylor and Brigham Young on Sunday the 13th of September, in the presence of Capt. Van Vliet, and published in the *Deseret News* of Sept. 23rd; also Editorial same impression of the *News*).

25. Such had been the suggestion of the *N. Y. Herald* of two years before (Sept. 15th, 1855) on hearing that certain young officers and troopers in Col. Steptoe's command had induced—and in some cases by seduction—a number of young Mormon women to abandon their homes for the adventures of an army camp. See John Taylor's editorial treatment of this suggestion in "*The Mormon*" of September 15th, 1855; the matter is summarized in "*The Life of John Taylor*," ch. XXIX.

26. "The Mormon Question," A Discussion Between Elder John Taylor and Vice-President Schuyler Colfax," *Deseret News*, print—1870,—p. 22. Continuing from the above Elder Taylor says: "Instead of this Mr. Buchanan kept them too long about Kansas; the Lord put a hook in their jaws, and instead of revelling in

To re-inforce this conception of the Expedition's purpose the Church leaders and many of the Saints had the bitter experiences of Missouri, held in lively recollection by them, wherein they had seen the state militia, ordered out by the governor of the state, and officered by men reputed to be of high character, side with the mob against them and become the executors of its will in the armed investment of Latter-day Saint towns, in the destruction of their settlements and of their farms and homes; they saw their women ravished by a brutal soldiery,^{27½} their leaders imprisoned, while their community numbering fifteen thousand was expelled from the state under the orders of its governor, rigorously executed by the state militia. This, on practically the same basis, but on a larger scale, they had again witnessed in the expulsion of the Saints from Nauvoo; only this time, instead of imprisoning their prophet-leaders they had both imprisoned and slain them; and instead of driving fifteen thousand of the community from one state to another, they expelled double the number from the State of Illinois, and practically drove them into a wilderness, since there was nowhere else for them to go.

Still later than these experiences, and fore-shadowing what might possibly be repeated on a larger scale, if the "Army for Utah" was admitted into the Territory, was the more recent experience of the Saints with Colonel Steptoe's command. While no reproach attaches to the Colonel personally for misconduct while in Utah, subordinate officers, and the rank and file of the command left behind them a very unsavory record of immoralities and debaucheries, which were vehemently denounced, both while they were yet present in Utah, and soon after their departure.²⁷ Seductions, desertions, the disruption

sacked towns and cities and glutting their libidinous and riotous desires in ravishing, destroying and laying waste, they gnawed dead mules' legs at Bridger, rendered palatable by the ice, frost and snow of a mountain winter, seasoned by the pestiferous exhalations of hecatombs of dead animals, the debris of a ruined army, at a cost to the nation of about forty millions. We had reason to say then 'The Lord reigns, let the earth be glad.' Oh, how wicked it was for President Young to resist an army like the above, prostituted by the guardians of a free and enlightened Republic to the capacity of buccaneers and brigands."

^{27½}. See *Ante* this History, Ch. XXX.

²⁷. In a letter to his son William, then in England, Heber C. Kimball wrote under date of May 29th, 1855: "Last fall, after Col. Steptoe with his command came here, with Judge Kinney, Mr. Holman and many others, we treated them as

of homes, and to some extent community demoralization followed the advent and hospitable treatment of the few hundreds of that command. How much greater the evils to be expected from an apparently hostile encampment, consisting of thousands of troops, and its teamsters and camp followers!

True, as President Buchanan pointed out in his message to congress, in December following, the Church leaders had the assurance of Major Van Vliet of the peaceful intentions of the government, "and that the troops would only be employed as a *posse comitatus* when called on by the civil authority to aid in the execution of the laws."²⁸ But, as Mr. Remy in his "Journal—1897—Vol. V, 455.

ney to Salt Lake" so admirably points out, President Buchanan—

"Did not say that the presence of the troops who had form

gentlemen should be treated, and invited them to our parties and habitations, and feasted them and tried to make some thing of them. While doing this, some of them began to take unhallowed liberties with the females." At a meeting in February this wickedness was severely reproved by Elders Kimball and Grant. "I was moved upon," says the former, in the letter above quoted, "and exposed this wickedness and abominable corruptions in our midst. Brother Jedediah [Grant] backed me. It was quite an earthquake for them. Previous to this we were the finest men that lived, and they had expressed it publicly and privately, and afterwards they said there was not a meaner set of men than we were, from the Governor down, and they were ready to take our lives." (History Brigham Young, *Ms.*, pp. 55-6.

The speeches of Kimball and Grant, on the occasion referred to, will be found in Journal of Discourses, Vol. III, Kimball's, pp. 227-232; Grants 332-6. Grant's remarks are very vehement. He several times alludes to threats that had been made then "to bring an army to Utah to drive or co-erce the people:" "These characters take Mormon girls and debauch them, telling them that the United States will send their troops here, and the people will be broken up and driven. * * * They will threaten us with the United States troops! Why [addressing some of the command in the audience] your impudence and ignorance would bring a blush to the cheeks of the veriest camp follower among them. We ask no odds of you, you rotten carcasses, and I am not going to bow one hair's breath to your influence." The speeches were made on the 2nd of March, 1856.

President Young also alludes to this misconduct of Steptoe's command in a discourse delivered in Salt Lake City on the 17th of June, 1855 (*Journal of Discourses*, Vol. II, p. 318, *et seq.*; and again on the 8th of July, 2nd, p. 309. Alluding to Steptoe's command in the first discourse cited, he said: "I do not know what I shall say next winter, if such men make their appearance here, as were some last winter. I know what I think I shall say, if they play the same game again, let the women be ever so bad, so help me God, we will slay them. * * * There are some things I learned, when I was in the south country lately, which I do not wish to mention, because of the friends of those girls who are gone; but when they passed through the southern settlements they were weeping all the time, and they are perhaps now in their graves. The men who coaxed them away did not intend to take them to California. If any offer to do the same things again, in these mountains, 'judgment shall be laid to the line and righteousness to the plummet;' and they say that Brigham does not lie."

28. Messages and Papers of the Presidents, published by authority of Con-

erly discharged that duty, or of those who had been quartered in Utah while on their way to California, under the command of Colonel Steptoe, had given great offence to the Saints; that those troops had debauched, seduced, and carried off with them into California numbers of their women, and that the unfortunate Mormons had nothing so much at heart as to keep clear for the future of any such scourge. Neither did he [Buchanan] state that if Major Van Vliet, who had been so well received by the Mormons, had found them prepared to resist to the last extremity, it was because they were in fear not only for their faith and their morality, but for their independence. Neither did he [Buchanan] say that he had done nothing to allay their apprehensions; that he had not officially communicated his intentions; that the Mormons were left to divine them, or to learn through the newspapers; and that, as the press was daily sounding the tocsin of war against them, they had a right to suppose that it was really war that was intended, and, in fact, which had been declared against them. Besides, had they not terrible precedents in their past, which were but little calculated to give them confidence in the pacific intentions of the government, or, at any rate, in its desire to protect them from the calumnies of their enemies, and to resist the pressure of the religious sects or of the papers which were their organs; or, even if it had the desire, could they trust to its capacity of efficiently carrying it out?"²⁹

It is from the view point of these historical facts, and from these conditions that the policy of resistance to the Federal authority of the United States by the Church leaders must be considered. It is easy now for writers in the dispassionate quiet of the study, with all the facts and circumstances in hand to see that it was not and could not have been the intention of the Buchanan administration, however egregiously it blundered in respect of Utah affairs, to engage in a "War" for the demoralization or destruction of a religious community. But in the light of experiences of the Latter-day Saints, and in the absences of any clear understanding of what were the intentions of the administration—beyond the personal assurances of Captain Van Vliet, that could not be very emphatic because of his partial knowledge merely of the purpose of the Expedition; and ignorant of the excellent personnel of the officers in com-

29. M. Remy's Journey to Great Salt Lake City, Vol. I, pp. 478-9.

mand—it was not possible for the Mormon Church leaders to be so assured of the pacific intentions of the administration. The Expedition was an army, and an army meant war, not peace. It meant coercion, and very likely the subordination of the civil to the military authority. The coming of that armed Expedition, therefore, meant to the Latter-day Saints of Utah the subversion of their constitutional rights, the destruction of their liberties—their religious freedom; their right of community self-government; perhaps, even, their community existence. Such being their conception of the mission of the “Army for Utah,” they met the issue as brave and strong men, conscious of the uprightness of their own course and intentions, always meet such manifest injustice, and such a menacing of their liberties: they resolved upon resistance. Their descendants would have less cause to be proud of them as Americans had they not resolved upon resistance.

Captain Van Vliet, assistant Quartermaster U. S. A., arrived in Salt Lake City on the 8th of September. He came as the advance agent of the Utah Expedition to make arrangements for its encampment in the Territory and for the purchase of what would be its necessary supplies. He had left his own escort at Ham’s Fort, 143 miles distant. Ignoring the warning of mountaineers, met at Green river, he accepted as guides Bryant Stringham and Col. N. V. Jones of General Borton’s command, who gave him safe conduct to Salt Lake City, where he was courteously received by Governor Young. On the 9th a meeting was arranged with the leading men of the city and of the Church at the Social Hall. Here the letter he bore from General Harney to “President Brigham Young, of the Society of the Mormons,” making known the purpose of the captain’s visit, was read, and a full discussion had on the ability of the community to supply the timber, grain, beef, hay and other supplies that would be needed for the quartering and feeding of the army; as also a place for its encampment. The discussion had of these things was very agreeably conducted and it was evident that the community could furnish everything needed by the army. The captain during his sojourn of several days visited Rush Valley, thirty-five or forty miles west of Salt

Lake City, which had been considered as a suitable military reservation by Col. Steptoe, but with which conclusion Captain Van Vliet did not agree. All the captain's negotiations, however, amounted to nothing. In reporting a few days later to Captain Pleasanton, Van Vliet declared that "the governor [Young] informed me that there was abundance of everything I required for the troops, such as lumber, forage, etc., *but that none would be sold to us.*"³⁰

On the 12th of September a prolonged interview took place between Van Vliet and President Young in which the question at issue was freely discussed. The captain on his part sought, albeit without success, to convince the President and the other Church leaders present that the purpose of the government was not to make war upon them. "We do not want to fight the United States," said President Young, "but if they drive us to it, we shall do the best we can; and I will tell you, as the Lord lives, we shall come off conquerors, *for we trust in God.*" The President held that the outcome of the presence of the army was intended to be that the military would hold the Saints still until a mob could come and kill them,^{30½} having in mind of course

30. See House Ex. Doc. 35th Congress, 1st Sess., No. 71, p. 25.

30½. It was on this point of the interview that Captain Van Vliet afterwards reported upon to John B. Floyd U. S. Sect. of war, in the following language: "In conclusion, I would also state that Governor Young informed me that he had no objection to the troops themselves entering the Territory; but if they allowed them to do so, it would be opening the door for the entrance of the rabble from the frontiers, who would, as in former times, persecute and annoy them; and to prevent this, they, the Mormons, had determined to oppose all interference of the government in the affairs of their Territory." (Sen. Doc. 35th Cong., 1st Sess., Vol. III, p. 38). This was by no means mere fancy on the part of Brigham Young. "It represented a real danger, the nucleus of which would be found in the one thousand teamsters to be discharged at the end of their journey, and the camp followers, which classes are thus described in the *Atlantic Monthly* for March, 1859—the article was evidently written by one who accompanied the Expedition and who was in sympathy with Col. Johnston:

"Another class of stragglers, and one most dangerous to the peace of the camp, was composed of the thousand teamsters who were discharged from employment on the supply-trains. Many of these men belonged to the scum of the great Western cities,—a class more dangerous because more intelligent and reckless, than the same class of population in New York. Others had sought to reach California, not anticipating a state of hostilities which would bar their way. Now thrown out of employment, with slender means, a great number became desperate. Hundreds attempted to return to the States on foot, some of whom died on the way, and nine-tenths of them would have perished, had they encountered the storms of the preceding winter among the mountains. But the majority hung around the camp. To some of these the Quartermaster was able to furnish work, but he was obviously incapable of affording this assistance to all. Thefts and assaults became frequent, and promised to multiply as the season advanced. To remedy this trouble, Colonel Johnston assumed the responsibility of organizing a volunteer battalion. The term of

the experiences of Missouri and Illinois. He represented that both himself and the people loved the United State Constitution, and the laws. It was not the laws of the United States, but a corrupt administration of the laws under which the Latter-day Saints suffered. "There is not any of the government officers which have been sent here," said Governor Young, "who have any interest with us; but they have tried to destroy us." "This is the case with most men sent to the Territories," replied Captain Van Vliet. "They received their offices as a stepping stone to the senatorship; but they have no interest for the people." The Captain admitted that the Saints had been lied about—"the worst of any people he had ever seen." "The greatest hold the world have now upon you is they accuse you of burning 900 volumes of the United States statutes." This President Young promptly denied; and remarked that if the government of the United States had arrived at that state that they will try to kill people for their religion, "no honorable man should be afraid of them." He held that if the United States "insist on whipping us, *they will get awfully whipped.*" The President held that the people of Utah had treated all men sent to the Territory by the government as well as they had treated Captain Van Vliet. "We wish still to treat them well," he continued, "and we would like to ward off this blow if we could; but the United States are determined to drive us to fight; we cannot do anything but what the government will take exception to it." Again came up the experiences of Nauvoo; which reference ended with the statement that he [Governor Young] had broken no law, "and neither will I be taken by any United States officer to be killed as they have killed Joseph." The Captain remarked that he did not think that it was the intention of the government "to take" him, "but to install a new governor in the Territory." President Young allowed that the Captain believed this, "but you do not know

service for which the men enlisted was nine months. For their pay they were to depend on the action of Congress."

Had this contingent of the Expedition—"the scum of the great western cities," desperate withal, and more dangerous than the same class of population in New York—had they been discharged at Salt Lake City at the end of their journey and of their service for the government—the effect of their presence on the peace and good order of the Utah settlements, would not be difficult to forecast.

their intention as well as I do." President Young denied that the Saints were colleaguings with the Indians.

On the 14th the interview was renewed, on the eve of Captain Van Vliet's departure for the East. Governor Young said the people of Utah had always treated the United States officers well, but the latter had lied about the people. "We would still have received their governor and officers," he continued, "had they sent them here without any army; but in as much as they are disposed to send an army here to hold us still while others run their red hot iron into us and then kill us, we will now say that we will not have either their soldiers, armies, or officers any more here at all, and you may tell them so. We will just fight for our liberty and rights from this day forth.

* * * If the government of the United States persists in sending armies to destroy us, in the name of the Lord we shall conquer them." It was on this occasion that President Young gave the warning of the danger to immigration from the Indians, and expressed his determination of laying waste the valleys inhabited by the Saints:

"If they [the U. S.] commence the war, I shall not hold the Indians still by the wrist any longer for white men to shoot at them, but I shall let them go ahead and do as they please, and I shall carry the war into their own land, and they will want to let out the job before they get half way through. And even should an army of 50,000 men get into this valley, when they got here they would find nothing but a barren waste, we should burn everything that was wood and every acre of grass that would burn, and you may tell them that they must bring with them their forage for their animals for they will not find anything in this territory when they come. Again you may tell them they must stop all emigration across this continent for they cannot travel in safety. The Indians will kill all that attempt it."

Replying to this Captain Van Vliet said if the government made war upon the people he would "withdraw from the army; for he would not have a hand in shedding the blood of American citizens."³¹

31. In a discourse Captain Van Vliet heard that day Governor Young had said: "Were I an officer sent to Utah for the purpose of aiding the unhallowed oppression of the innocent (and in this connection I disclaim all personalities)—

The Captain said he thought Congress would do all it could against Utah's people. Governor Young replied: "If God inspires any man to speak for us it will be well. We have got to trust in God. If you will speak in favor of us, and I think you will, the Lord will bless you for so doing. He will require it of you. We have refuted lies so long we have got tired of it, and we shall now trust in God for the future."

"Congress could send out an investigating committee to Kansas,³² or any other place but to Utah," continued the Governor; "but upon the mere rumor of liars they could send out 2,000 armed soldiers to Utah to destroy the people without investigating the subject at all." Captain Van Vliet replied: "The government may yet send out one [i. e., investigating committee] to Utah, and consider it policy before they get through with it." "I do think that God has sent you out here," said Governor Young, "and that good will grow out of it. I was glad when I learned that you were coming." The Captain expressed himself as anxious to get back to Washington. He had heard that General Harney had been called to Kansas as Governor. He expressed his intention to stop the government trains at Ham's Fork on his own responsibility, "and leave them there." President Young said: "If we can only keep the peace for this winter, I do think something will turn up that

[though doubtless he had Van Vliet, present on the stand, in mind]—I would know the facts in the case, before I made any hostile move; and sooner than side with tyranny and murder I would resign my commission." The remarks of Van Vliet above were doubtless in response to the sentiments of Pres. Young. The interview quoted to the point noted above is given at length in Woodruff's *Journal, Ms.*, entry for 13th of September (Sunday) 1867. What follows from the point here referred to in the text, is from Woodruff's *Journal* entry of the 20th of September, 1857, as "conversation that passed between President Young and Captain Van Vliet not before recorded in my journal." The parts of the interview published by Tullidge is garbled; and as given in condensed form in "Wilford Woodruff—A History of his Life and Labors"—Cowley—1909—it should not have been inclosed in quotation marks.

32. Governor Young was quite accurate in his reference to an investigating committee for Kansas. In Leverett W. Springs' "History of Kansas"—of the American Common-wealth series, edited by Horace E. Scudder—occurs the following passage on the subject: "Out of the various bills, comprises, substitutes, amendments, which appeared in Congress during the spring and summer of 1856, a single measure only emerged that reached any practical importance—the appointment by the House of Representatives of an investigating committee, the members of which were William A. Howard, of Michigan, John Sherman, of Ohio, and Mordecai Oliver, of Missouri. This committee proceeded to the territory, held its first meeting at Kansas City, April 14th, examined three hundred and twenty-three witnesses, who represented every shade of political opinion, and on the 1st and 2nd of July presented a report, in which a great mass of facts is accumulated wholly creditable to neither side." p. 108.

may save so much shedding of blood." Van Vliet expressed the opinion that the troops would have to stop on Ham's Fork for the winter, "for their provisions will be late coming up."

The day of the above interview (Sunday) Captain Van Vliet had listened to four discourses in the old Tabernacle, by three different men, Geo. A. Smith, John Taylor and Brigham Young, the last speaking both at the forenoon and the afternoon services. Elder Smith described the military spirit and military preparations of the people in the South counties:³³ "I never found them in better spirits," said the speaker. "They are willing any moment," he continued, "to touch fire to their homes, and hide themselves in the mountains, and to defend their country to the very last extremity."^{33½}

"Would you, if necessary, brethren," John Taylor said in his discourse that day, "put the torch to your buildings and lay them in ashes, and wander homeless into the mountains? I know what you would say and what you would do."

President Young: "Try the vote."

Taylor: "All you that are willing to set fire to your property and lay it in ashes, rather than submit to their military rule and oppression, manifest it by raising your hands."

The congregation unanimously raised their hands.

Taylor [resuming]: "I know what your feelings are. We have been persecuted and robbed long enough, and in the name of Israel's God, we will be free! (the whole congregation responded 'Amen!') and President Young said, 'I say amen to that all the time')."

President Young was even more emphatic in his expressed determination to resist the coming of the army than the other brethren. He said:

33. The speaker described the feeling at Cedar where a rumor prevailed that a force of 600 dragoons was coming upon the town from the East. "The Major [Isaac C. Haight] seemed very sanguine about the matter [i. e. that force of dragoons were coming]. I asked him if this rumor should prove true if he was not going to wait for instructions. He replied there was no time to wait for any instructions; and he was going to take his battalion and use them up before they could get down through the canons; 'for,' said he, 'if they are coming here, they are coming here for no good.'" Discourse is published in *Deseret News* of Sept. 23rd, 1857.

33½. *Deseret News* for Sept. 23rd, 1857, p. 231. While walking through the garden and orchard of Professor Albert Carrington, in company with Pres. Young, Captain Van Vliet "asked Mrs. Carrington if she was willing to cut down her fine peach orchard for her faith and religion. She said 'Yes', and 'would sit up nights to do it, if necessary.'" Woodruff's Journal, *Ms.*, entry for Sept. 9th, 1857.



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“We have transgressed no law, and we have no occasion to do so, neither do we intend to; but as for any nation’s coming to destroy this people, God Almighty being my helper, they cannot come here. (The congregation responded a loud ‘Amen’). That is my feeling upon the point.”

He declared that he asked “no odds” of the United States:

“On the 24th of July last a number of us went to Big Cottonwood Canyon, to pass the anniversary of our arrival into this valley. Ten years ago the 24th of last July a few of the Elders arrived here and began to plow and to plant seeds, to raise food to sustain themselves. Whilst speaking to the brethren on that day I said, inadvertently, if the people of the United States will let us alone for ten years we will ask no odds of them; and ten years from that very day we had a message by Brothers Smott, Stoddard and Rockwell, that the Government had stopped the mail and that they had ordered 2,500 troops to come here and hold the ‘Mormons’ still while priests, politicians, speculators, wh—mongers and every mean, filthy character that could be raked up should come here and kill off the ‘Mormons.’ I did not think about what I had said ten years ago, till I heard that the President of the United States had so unjustly ordered troops here, and then I said, when my former expression came to my mind, ‘In the name of Israel’s God, we ask no odds of them.’”

Governor Young then refuted one of the assumptions of Senator Douglas’ Springfield speech, charging that nine-tenths of the inhabitants of Utah were “aliens by birth who have refused to become naturalized” (see *ante*, Ch. LXXXVIII), in the following manner:

“There is one thing I want done, for the satisfaction of Captain Van Vliet. One of our old senators, Stephen A. Douglas, recently said, before his constituents in Illinois, that nine-tenths of our people were aliens. We have a larger proportion of foreigners in this city than in any other part of the Territory, and there are a good many here to-day who have just come in from the plains. I want those who are native born and naturalized American citizens to raise their right hands. (Over two-thirds of the congregation raised their hands). You who have not yet received your naturalization papers will please manifest it in the same way. (Less than a third of the congregation raised their hands). Now, Captain, you can see for your—

self over two-thirds of this congregation are either native born or naturalized American citizens.

"I have called this vote that Captain Van Vliet may be able to do as he always does, speak the truth boldly and tell them of it next winter in Washington; and, that he can, if he sees Senator Douglas in Washington, tell him that his statement was false, for he has seen for himself."

Later in the discourse he said:

"They never did anything against Joseph till they had ostensibly legalized a mob, and I shall treat every army and every armed company that attempts to come here, as a mob. (The congregation responded, 'Amen'). You might as well tell me that you can make hell into a powder house, as to tell me that you could let an army in here and have peace; and I intend to tell them and to show them this, if they do not keep away."

In the afternoon discourse there was much more to the same effect:

"Liars have reported that this people have committed treason and upon their lies the President has ordered out troops to aid in officering this Territory, and if those officers are like many who have previously been sent here, and they have come when they know they are not wanted, they are poor miserable blacklegs, broken down political hacks, robbers and wh—mongers, men that are not fit for civilized society, so they must dragoon them upon us for officers. I feel that I won't bear such cursed treatment, and that is enough to say, for we are just as free as the mountain air.

"I do not lift my voice against the great and glorious government guaranteed to every citizen by our Constitution, but against those corrupt administrators who trample the Constitution and just laws under their feet."³⁴

In addition to these passages there were extravagant and ill-advised things said on this occasion, also both before and after it; and who would expect, in such stress of feeling as was occasioned by such a remembering of "the wrongs of Missouri," such a *not-for-getting* the "fate of Nauvoo"—who would look for cool judgment, and temperate speech?

34. All four discourses were delivered in the presence of Captain Van Vliet and will be found reported in full in the *Deseret News* of Sept. 23rd, 1857. And in Vol. V of Journal of Discourses under the appropriate date, Sept. 13th, 1857. The visit of Captain Van Vliet is described at length in the *News* of the 16th of September.

The speeches he heard that day, the interviews that preceded and followed them, justified all that Captain Van Vliet reported to Captain Pleasanton, (A. A. Adj. Gen. Army for Utah, Fort Leavenworth), and later to the Secretary of War in Washington;³⁵ indeed the Captain is to be commended for his accuracy of statement and his evident intention to serve both his country and the people of Utah by representing conditions as he found them. His course doubtless contributed much to bringing about the final composition of the difficulties.

On his return east Van Vliet was accompanied by Dr. John M. Bernhisel, Utah's delegate to congress. On reaching the slowly advancing United States troops, just emerging from the South Pass, Van Vliet advised them not to attempt to enter Salt Lake Valley that winter, as no arrangements could be made for their supplies; also they would have to fight their way through if the march was attempted. Some of the younger officers were disposed to make light of the warning, and expressed confidence in their ability to force their way through to Salt Lake City, and began doubling their usual march of fifteen miles per day.³⁶ The matter of their reaching Salt Lake Valley by forced marches, however, was determined by other forces than their will.

35. These reports are published in House Ex. Doc. 35th Congress, 1st Sess. x, No. 71, p. 24-27; and in Senate Doc. 35th Cong. 1st Sess. Vol. iii, pp. 37-8. The report to Pleasanton is given in full in "The Echo Canon War" Contributor, Vol. III, p. 147 et seq.

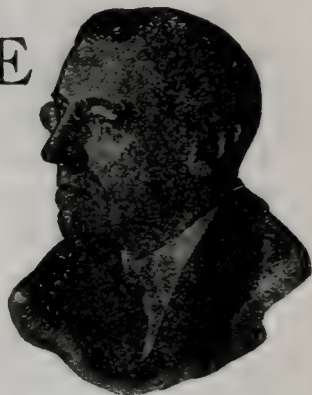
36. This from the report of Col. N. V. Jones who accompanied Captain Van Vliet and Dr. Bernhisel until they passed both sections of Col. Alexander's command. "Elder Nathaniel V. Jones arrived this morning from the U. S. army. He visited with Captain Van Vliet both regiments. The first was the 10th regiment: that was a full regiment. The officers were young and full of fire, and they swore they would come in anyhow—they could whip out Utah. Captain Van Vliet advised them not to come for they could get nothing: they would have to fight their way. But they swore they would fight their way through. After Van Vliet left them they marched thirty miles instead of fifteen the next day. The second regiment he met with were old officers. They considered the matter over more and thought it an imposition to be sent out here as a political movement to kill innocent people or to get killed. They will be at Pacific Springs to-night and our brethren will commence operation upon them," Woodruff's Journal, *Ms.*, entry for Sept. 25th, 1857. In his journal entry for the 28th September, Woodruff again reverts to a conversation with Col. Jones in which the latter said that Captain Van Vliet "tried to persuade the army to stay on Ham's Fork or in that region; but the 10th regiment swore that they had started for Salt Lake and they would go then. Captain Van Vliet told them that we should not let them come, and they would find a different warfare from anything they had met with. The same matter is in Hist. Brigham Young, *Ms.*, for September, 1857, p. 567.

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AMERICANA

September, 1913

Discovery, Early Descriptions and First Settlements of Prince Edward Island

BY JOHN CALDER GORDON

Secretary-Registrar Scottish Historical Society of North America

EDITORIAL NOTE.—Mr. Gordon is a lineal descendant of Sir John Gordon of Park, Scotland, who was associated with Sir William Alexander in founding the province of Nova Scotia in 1621. He inherits the title of his ancestors as the acknowledged head of this branch of the Gordon family, but modestly refrains from making use of the title. He is the acknowledged Founder and was the moving influence in the organization of the Scottish Historical Society of North America. Having been for upwards of twenty-five years a close student of the early history of the Maritime Provinces of Canada and a member and officer of the Aryan and Siegneurial Order and College of Arms of Canada composed of lineal descendants of the Founders of Canada, he gives to the *AMERICANA* the appreciated honor of first making public the following paper, which completes an important "Gap" in the history of Prince Edward Island, which was, up to the issue of this number, unfilled by any historical writer.

CHAPTER I

PRINCE EDWARD ISLAND was known to the Micmacs as Abeigwit, meaning a something lovely floating on the water. The exact date when it was first seen by European eyes is wrapped up in the mists of the cloudy past and perhaps will never be known. All attempts that have been made to determine it have been accompanied by a display of temper equal in volume to the amount of learning exhibited. The problem forms a part of the controversy over the landfall of Cabot, one which has been marked by a passionate bitterness of disagreement seldom equalled in the discussion of an historical question. (1)

There is a very general belief that it was first sighted by John Cabot in 1497, who named it St. John, in honor of the day, June 24th, the anniversary of St. John the Baptist. The knowledge of the discovery and naming of an Isle of St. John by the Cabots, rests solely on the Latin and Spanish inscription on the Cabot map of 1544. The material part of this inscription as translated by Dr. Deane is "This country was discovered by John Cabot, a Venetian, and Sebastian Cabot his son, in the year of our Lord Jesus Christ, MCCCCXCIV on the 24th of June, in the morning, which country they called 'primum visam'; and a large island adjacent to it they named the Island of St. John, because they discovered it the same day." (2)

In all the older histories this *terra primum visa* of Cabot is set down as being on the coast of Labrador, (3) but if the map of 1544 be authentic, the first land seen was the northeastern extremity of Cape Breton, and the large island adjacent the present Scatari. (4) John Cabot nowhere refers to this island or to St. John the Baptist's day, (5) and nothing can be found in the pages of Hakluyt which indicates any knowledge of the existence of what we now call Prince Edward Island. (6)

It may be safely assumed that the Cabots did not discover the island, and that the first European to sight it was Jacques Cartier, the hardy navigator of St. Malo, who was the first who has left us any account of explorations in the Gulf of St. Lawrence. A French writer, Michelent, has gone to the extent of saying that Cartier discovered it on the twenty-fourth of June, 1534, and named it the Island of St. John, in honor of the day, (7) and he has been cited and apparently approved by Slafter in his "Voyages of Champlain." (8) This we know to be erroneous, as Cartier did not see it until five days later, and did not know that it was an island, but believed it to be a part of the mainland, and that belief prevailed for many years after his time. Dr. Ganong has collected evidence enough to warrant the assertion that Prince Edward Island was not generally known to be other than a part of the mainland, until after the year 1600. (9)

Prior to 1867 we had three versions of Cartier's narrative of his voyage. The first one was in Italian, published by Ramusio in 1556. This was translated into English by John Florio, and

embodied in Hakluyt's "Voyages and Navigations" published in 1600, and reprinted in 1810. Another edition in French, almost beyond doubt a translation from Ramusio, appeared in 1598, and was reprinted in 1843, and again in 1865. In 1867 an important discovery was made in the Bibliotheque Imperiale, Paris, of an ancient manuscript which proved to be a relation of the first voyage differing considerably from the other versions, and bearing evidence of being the original account as related by the great discoverer himself. This was printed *literatim* the same year by Michelant and Rame and called the "Relation Originale du Voyage de Jacques Cartier au Canada, en 1534." Whether or not this relation came from Cartier's own pen it is hard to say, but there can be but little doubt that it is his own account of the voyage, in part if not in whole.

That part of it which is material to us, proceeds.

"And the next day, preceding the last day of the said month, the wind came to the south a quarter southwest, and we ran until Tuesday, the last day of the said month, at Sunrise, without having sight of any land, save that in the evening, at sunseting, we saw land appearing like two islands, which lay to west southwest about nine or ten leagues. And this day we made it to the West until the next day at Sunrise, about forty leagues; and making way we had knowledge of the land, which had appeared to us like two islands, that it was the mainland, which bore south-southwest, and north-northwest as far as to a very fair headland, named Cape Orleans. All this is low, level land, the fairest that it may be possible to see, and full of goodly trees and meadows; but in it we could not find a harbour, because it is low land and a sunken country, and wholly ranged with sands. We were there in several places with our boats, and among others, within a fair stream of little depth, where we saw boats of savages who were crossing the said stream, which was therefore named the River of Boats. (10) And we had no other knowledge of them, because the wind came from the sea, which beat upon the shore, and it behooved us to withdraw our boats to our ships. And we made her go to the North-east until the next day at sunrise, the first day of July, at which time came fogs and tempest, and we struck sails until about ten o'clock when it cleared up and we had sight of

the said Cape Orleans and of another which lay from it about seven leagues to the north, a quarter from the north-east, which was named Savage's Cape (*Le Cap des Sauvages*) to the north east of which, about a half a league, there is a shoal and a bank of very dangerous stones. At this cape we saw a man, who ran after our boats along the shore, who made us many signs that we should return toward the said Cape; and we seeing such signs, gave orders to row toward him, and he seeing that we turned back, began to flee and ran away a head of us. We landed opposite him and put a knife and a girdle of wool on a rod for him, and then we went away to our ships. This day we ranged the said land nine or ten leagues, thinking to find a harbor, which we could not, for, as I have heretofore said, it is low and sunken land. We landed there this day in four places for to see the trees, which are wonderfully fair and of excellent odor, and found that they were cedars, yews, pines, white-elms, ash, willows, and many others to us unknown, all trees without fruits. The lands where there are no woods are very fair and all so full of peas, gooseberries, white and red strawberries, raspberries, and wild corn, like rye, that it seems to have been sown and cultivated there. This land is of the best temperature that it may be possible to see, and of great warmth, and there are many turtle doves, wood pigeons, and other birds; there is no lack but of harbors." (11)

On the thirteenth of June they were coming on the north shore of Prince Edward Island which is very low. What seemed to be two islands, were the comparatively high points of Cape Tryon and Cape Turner. The capes are not over one hundred and twenty feet high, but are the highest land on the coast, and rise first out of the water. Cartier's Cape Orleans is the Cape Kildare of our maps, and the point that he designated "*Cap des Sauvages*" is the present North Cape. The River of Boats is now known as Richmond or Malpeque Bay and has always been frequented by the Indians, for there is a portage on its southern shore, barely nine miles across, by which they pass from Northumberland Strait to the Gulf. It is the narrowest spot on the whole island. The "*Cap des Sauvages*" is described in a few words. Cartier noted that off it there are a reef and a dangerous bank of stones.

The Admiralty Pilot gives the same report. (12) He had touched Prince Edward Island at a bad spot, for there is not a harbor for thirty-three miles from North Point around to Egmont Bay.

The first mention of the name "Isle of St. John" as unquestionably applied to Prince Edward Island is attributed to Champlain. He knew of it as early as 1603 but by hearsay only. In "Des Sauvages" published in 1604 Chapter XII he tells us the story of Sieur Prevert's attempt to find mines on the Bay of Fundy, by crossing overland from the Gulf, in connection with which he mentions "the Island of St. John which is some thirty or thirty-five leagues long and some six leagues from the main land on the south." (13)

That the existence of the Island was known to the English before the appearance of Champlain's map of 1632 there is good reason to believe, as it is shown, but not named, on Sir William Alexander's map of 1624 which appears at the end of his "An Encouragement to Colonies" published in London that year. The charter granted by King James to Alexander in September 1621, included Sable Island, Prince Edward Island and Cape Breton Island. The two latter were a few days later granted to Robert Gordon, of Lochinvar, to form the barony of Galloway. There is but little doubt that Alexander was not ignorant of the existence of the earlier French grants. (14)

Almost one hundred years elapsed from that day in June, 1534, when Jacques Cartier looked upon the Garden Province until the appearance of Champlain's map of 1632, before the Island of St. John was finally located, named and mapped for the information of the world.

The question quite naturally arises, How did it happen to be named St. John? Perhaps that question will never be answered. Professor Ganong gave the matter considerable thought and three possible ways occurred to him, none of which were satisfactory. He suggests that the answer may be found in the fact that the name St. John was a favorite one with the early explorers, and perhaps this is as near as we shall ever get as to the reason for its name. At all events to Champlain belongs the honor of establishing the identity and fixing the loca-

tion of the elusive Island of St. John. England made no claim to it by virtue of Cabot's alleged discovery so France appropriated it as a part of the discoveries made by Verrazzani in 1523.

Very little is heard of Ile St. Jean from the time of Cartier down to 1663. In this year the Company of New France, then nearing the end of its power, granted it to Sieur Francois Doublet, a French naval captain, who together with two adventurers established a few fishing stations, but made no permanent settlement. How long Doublet and his associates retained it is not quite certain. It appears that in 1682 it was granted to a company established by Bergier, Gaultier and Boucher. In 1683 they were joined by Le Felvre de Caumartin, De Belloy de Francieue, Lottin de Charny and Le Marquis de Chesry. Some time later Perrot and De Lagny became associated with it.

This company's object was to establish sedentary fisheries along the coast of Acadia and carry on the seal fishery at the Magdalen Islands and Cape Breton. It's ventures were not successful. A long series of misfortunes ensued; its vessels were either wrecked or seized by the English, so that in 1714 the total losses of the company amounted to 426,774 lives. (15) Prior to 1710 persons settled on the Island and engaged in the fisheries without the license of the Company, a procedure which caused the Duc De Noirmoutiers, who was the Marquis de Chevry's step son, to petition for a confirmation of the land grant. The Council of state, rejected the petition, and decreed that no French subjects then settled on the Island, or, who should in the future settle there or engage in the fishery, was to be interfered with by the heirs of the Marquis de Chevry or his associates. (16) This was a virtual revocation of the grant to the Company. Four days before this decree, on September 6, 1710, a grant in the Island was made to Sieur de Lonvigny, which was revoked May 5, 1716. (17) It would seem that about this time the Comte de St. Pierre had attempted something in the way of a settlement, for in 1711 we find the Navy Board directing the Marquis de Vandreuil to allow the officer whom the Count sends to Canada to raise forty or fifty men for the Ile St. Jean Colony. (18) It was not until after 1713, however, that the

Island began to attract settlers. In that year England and France concluded the treaty of Utrecht by which Acadia and Newfoundland were ceded to Great Britain. The fourteenth article of that treaty provided that the French inhabitants of the ceded territory should have liberty to remove within a year to any other place. Many of the Acadians availed themselves of the privilege and settled in Ile St. Jean as it was still French territory. When France gave up Placentia she turned to Ile Royale and there began in September, 1713, the settlement of Louisbourg. It was hoped and believed by the Ministry at Paris that the Acadians would hasten to Ile Royale but they did not, preferring Ile St. Jean. This preference was not all to the liking of the King and his ministers, so the commandant at Louisbourg was urged to do everything possible to attract them there. "You must adopt every expedient you can think of to attract them to Ile Royale and do your best to prevent them from selecting Isle St. Jean," wrote Pouchartrain to Costebelle. (19) The task was not an easy one however, as they had a positive dislike of Ile Royale, and a strong preference for Ile St. Jean. (20)

In August, 1719, Letters Patent were issued granting St. Jean and Miscou Islands to Comte de St. Pierre, first equerry to the Duchess of Orleans, on tenure of *franc Allen noble*. (21) This grant did not carry with it judicial powers, but it did authorize the employment of negro slaves. (22) In the following January another grant was made to him covering Magdalen, Brian and Ramees islands all on the same tenure. (23) The purpose of these grants was to enable the company of which he was the head to establish a sedentary cod fishery, settle the islands, cultivate the soil and get out lumber. Gotteville Bellisle, a naval lieutenant, was selected by St. Pierre as commandant of the Islands, and he was commissioned such on March 7, 1720. (24) He arrived at Louisbourg at the end of August of that year where he asked that M. Denys de la Ronde be permitted to go to St. Jean, spend the winter there and look for a place to make a settlement. (25)

Dr. Gotteville Belleisle proceeded to his Station with twenty men of his command, and authority to raise thirty more. Beau-

harnais was ordered to furnish him with eight pieces of artillery for the defense of the post. Golteville Belleisle remained in command of the Island until 1722 when he was obliged to give up on account of ill health. He was succeeded by M. de Beaucours who was commissioned May 13, 1722, to serve for two years. Like his predecessors he was nominated by St. Pierre.

St. Pierre seems to have started in earnest to develop his grants. At least he spent a large sum of money for the settlement of the islands and for the carrying on of the business there. (26) His claim to a monopoly of everything there soon got him in trouble with inhabitants of Ile Royale and traders from France. Two fishermen from Louisbourg, Michael d'Accarette and one St. Martin persisted in taking fish from the waters which he conceived to be his, so he brought suit against them for encroachment on his fishing privilege. The Admiralty Court of Louisbourg rendered judgment in favor of the defendants, which judgment was confirmed by the Superior Council of Louisbourg. (27) The Comte de St. Pierre promptly took the matter before the Council of State at Paris. That body annulled the judgments of the Admiralty Court and Superior Councils of Louisbourg and sent the parties before the Superior Council of Quebec. (28). Three days before this decree was made new Letters Patent were issued to St. Pierre defining and regulating the extent of his rights which were the exclusive privilege of fishing for a distance of one league from the shores of the island, and of trading with the people living there. (29) On March 10, 1722, it was ordered that the Admiralty Court and the Superior Council of Ile Royal were not to deal with any cases arising out of this privilege granted to St. Pierre, but such cases should be dealt with by the Commissary General of the Island, with the right of appeal to his Majesty. (30)

Firmly intrenched behind this order of the Council of State, St. Pierre and his agents carried things with a high hand. The Ile Royale fishermen seem to have kept away from his preserves, but not so the fishermen and traders from France. They came boldly into the forbidden waters and fished despite the order in Council. St. Pierre fitted out a vessel as a warship and

went after them, pursued them on the open sea and seized many of their vessels with their cargoes. (31) When these things became known to the traders of St. Jean-de-Lutz they set out to have St. Pierre's exclusive privilege revoked. On February 5, 1724, they presented a "very humble remonstrance" to the Comte de Maurepas complaining of the injustice of the privileges, and the abuse which St. Pierre made of them. In addition to the charge of maintaining an armed vessel and seizing their craft on the open sea, they accused the Comte of favoring the English and persecuting the French fishermen and traders. The remonstrance concludes that "if his privilege is maintained as he now exercises it the French fisheries will suffer a great decrease." (32) The Council of the Bureau du Commerce sustained them and on October 13, 1725, the Council of State revoked the Letters Patent of March, 1722, which created the privilege. (33)

In the meantime affairs in the Island were in bad shape. St. Pierre had not located any settlers, and those who were there were frequently neglected. In November, 1724, owing to the utter failure of assistance from the St. Pierre, nearly all the inhabitants retired to Ile Royale. (34) This exodus really made an end of St. Pierre's colonization plan. There followed several years of discussion and dissension between the managers and their creditors, but France did not permit the Island to be abandoned, as it was feared that the English would settle there, and there would be trouble in driving them out. St. Ovide was ordered to send a detachment of twenty-five soldiers there which he did. (35) The few inhabitants and engagés who were there were placed on board the ships returning to France. (36)

Charlevoix in speaking of this venture says that the Comte St. Pierre "would apparently have carried out his project had all his associates resembled him. But he experienced the disgust inseparable from societies where all the members are not born with noble thoughts, and are held together by no tie but self interest."

This project experienced what always happens in such cases, when all interested seek to have an equal share in the direction, when the first advances are not made with a perfect knowledge

of the nature and advantages of the place, and the obstacles to be met there; and when men are not at liberty to select persons fitted to carry out the designs which had been formed. From neglecting to adopt all these measures, the first attempts failed, but as they despaired of adopting any better, the enterprise was abandoned." (37)

The officer selected by St. Ovide to command at Ile St. Jean was Captain de Pensens. His duty was merely to occupy it and prevent its settlement by the English. Pending the determination of the matter of reuniting the Island to the King's dominion, St. Ovide was instructed that nothing should be done to prevent the Acadians from going there, for whether it remains to Comte de St. Pierre or passes to the King's domain, they will be well off and will enjoy full liberty there. (38)

CHAPTER II.

In November, 1775, the heavy hand of the invading and despoiling marauder fell upon defenceless and unsuspecting Charlottetown. The pillaging of the place by Broughton and Selman was not an act of war (although done in time and under color of war) but of plain, unvarnished piracy, and one which ranks with the most contemptible, cowardly, cruel, dastardly, unjustifiable, unnecessary and wanton acts recorded in history since the laws of war have existed. It was particularly atrocious because it was done not only without orders, but in open defiance and contempt of orders, and for the purpose of private personal profit. As the few writers who have alluded to this affair loosely refer to it as having been done under the orders of Washington, it is well that all of the facts of record be known, that history be set right, and that the odium of the act rest where it belongs, at the doors of the two Marblehead, Mass., Captains. Consequently the entire story is given here.

Early in October, 1775, the Continental Congress sitting at Philadelphia, "received certain intelligence of the sailing of two north country built Brigs, of no force, from England. On the 11th of August last, loaded with arms, powder and other stores, for Quebec, without a convoy," (1) and as their cargoes

would be a valuable addition to the scanty stores at Cambridge, their capture was ordered. Instructions were immediately sent to Washington, that he should with all possible dispatch fit out two armed vessels at the Continental expense to sail to the River St. Lawrence and intercept them. He was directed to procure the vessels from the government of Massachusetts; but as there were no armed vessels then belonging to that Province, and the vessels of Rhode Island were not available, he was obliged to take and equip two vessels already in the public service. (2) These were the schooners "Lynch" and "Franklin," the first carrying six guns, ten swivels and seventy men, under the command of Captain Nicholson Broughton; the second carrying four guns, ten swivels and sixty men, commanded by Captain John Selman. (3) On the morning of October 21st, the two vessels sailed from Beverly, Massachusetts, (4) for the St. Lawrence, Broughton acting as commodore, under the following special order:

"Headquarters, Oct. 16, 1775.

Sir:—The honourable Continental Congress having received intelligence that two north country Brigantines, of no force, sailed from England some time ago for Quebec, laden with six thousand stand of arms, a large quantity of powder, and other stores, you are hereby directed to make all possible despatch for the River St. Lawrence, and there to take such a station as will best enable you to intercept the above vessels. 2. You are also to seize and take any other transports, laden with men, ammunition, clothing, or other stores, for the use of the Ministerial Army or Navy in America and secure them in such places as may be most safe and convenient.

3rd. The other armed schooner, named the *Lynch*, and commanded by Captain *Selman*, is to be under your general command; but you are to advise and concert with him the proper station and the proper time to continue this service.

4th. You are to endeavor if possible, to discover whether the vessels have passed by; if they have, you are not to return, but keep the station as long as the season will admit. As there is a great probability that Quebec will fall into our hands in a very short time, it may be expected that not only the above ordnance

vessels, but others from Quebec and Montreal, may come down and fall into our hands.

5th. As there may be men of war at Newfoundland, you are so to conduct as to prevent being discovered by them, or any intelligence given of your Station.

6th. Whatever vessels you may meet, bound in or out of the River St. Lawrence, which you may have reason to believe are in the service of the Ministerial Army, or conveying any stores to them, of provisions, or of any other nature, you are to endeavour to seize, though they should not be transports regularly engaged by Government.

7th. For your encouragement, and that of the officers and men under your command, you will receive one third part of the value of any prizes you may take, as well as military stores as the hulls of such vessels, nothing being excepted but the wearing apparel and private stock of the Captains and other officers and passengers of such prizes.

8th. Should you meet with any vessel, the property of the inhabitants of Canada, not employed in any respect in the service of the Ministerial Army, you are to treat such vessel with all kindness, and by no means suffer them to be innured or molested.

I am Sir, your most obedient servant,

George Washington." (5)

Captain Nicholson Broughton."

On the same day an order identical in terms, (with exception of the third paragraph, which directed "you are to consider Captain Broughton your commodore") was issued to Captain John Selman. (6)

Although the first paragraph of the letter is positive in its terms, "make all possible despatch for the River St. Lawrence," Broughton and Selman did not do so. In fact they never reached the St. Lawrence at all, (7) and the reason is doubtless to be found in the 7th paragraph of the order, which promises them a third part of the value of the prizes they might take.

On November 2 they were at "Whitehead, 5 leagues west of Canso, in Nova Scotia" whence Broughton wrote Washington that "by unfavorable winds and weather we have been able to

make little head." They did however make a prize, a sloop from Halifax which they followed into Whitehead harbour. (8) By November 6th they had reached the "Gut of Canso, at the entrance of the Gulf of St. Lawrence," where "no vessel passing to Boston, Halifax, or to any part of America, from Quebec, but must pass within gun shot" of them. They had attempted to get to Spanish River to take a brigantine loading with coal for Boston, but were obliged to give it up owing to a heavy storm. Although they failed to get the brigantine they were comforted by picking up a sloop belonging to John Denny of New Haven. The letter setting forth these facts concludes, "Wind suiting, we shall endeavor to conform to the spirit of your Excellency's orders." (9) This is the manner in which they proceeded with "all possible despatch" to the St. Lawrence.

The next that we hear of this precious pair is at the defenceless town of Charlottetown where they arrived on the seventeenth of November. At the time of their arrival Governor Patterson was in England and Phillips Callbeck, the Attorney-General, was acting as governor, and he has left us a very complete and lucid account of the doings of these marauders on that day. This narrative of his, which is his memorial to Washington, and the one on which the latter acted, may be taken as true, as neither Broughton or Selman made any answer to it.

"That on Friday, the 17th November, two privateers arrived at Charlottetown, the capital of said Island; and immediately after, Captains Broughton and Selman, who commanded said vessels, landed with two parties under their command. That Mr. Callbeck met Selman on his landing, who, notwithstanding a very civil reception, instantly ordered him on board one of the vessels, without permitting him to return to his house, though requested so to do; and as he was going on board, one of the party insolently, without any provocation, struck him. That as soon as Mr. Callbeck, was conveyed on board, he received a message from Selman to send the keys of his house, stores, etc., otherwise he would break the doors open. On receipt of the message, Mr. Callbeck sent the keys with one of his clerks, (who was detained a prisoner), that he might attend and

open the doors of such places as should be required to be inspected into. Upon the clerk's informing Selman of Mr. Callbeck's directions, he told him he did not want his assistance, and desired him to deliver the keys, which he accordingly did.

That Broughton and Selman, with their party, immediately proceeded to a store in which there was a very large and valuable assortment of goods, all of which, except some very insignificant articles, they sent on board Selman's vessel. After which, although they had the keys of the doors, they broke open two other stores, out of which they took the most valuable articles, together with entire stock of provisions that Mr. Callbeck had provided for his family's Winter support, and the inhabitants immediately about him. That they next went into Mr. Callbeck's dwelling house, where they examined all his private papers, broke the bed chambers, closets, and cellar doors open. In Mrs. Callbeck's (10) bedroom they broke open her drawers and trunks, scattered her clothes about, read her letters from her mother and sister, took the bed and window curtains, bed and bedding, Mrs. Callbeck's rings, bracelet and trinkets, also some of her clothes. They then took the parlor window curtains, looking-glasses, carpets and several articles of plate and household furniture, etc., etc., also all the porter, rum, Geneva and wine (except one cask, which they stove the head into and drank the whole out). At the same time they plundered the whole of Mrs. Callbeck's little stores of vinegar, oil, candles, fruit, sweetmeats, bacon, hams, etc. Not yet satiated with wanton depredations, they next went to Mr. Callbeck's office, from which they took some of his clothes, etc., the Province silver seal, Governor Patterson's commission, two trunks full of goods, his clerk's desk and wearing apparel; opened Mr. Callbeck's bureau and desks, read all his papers, some of which were of great importance in his private connections.

That after they had ravaged Mr. Callbeck's house and out-houses, they broke into Governor Patterson's house (in which no person resided), out of which they took the window curtains, carpets, looking-glasses, cases of knives and forks, silver spoons, table linen, sheets, bedding, his wearing apparel, and the church furniture, which was deposited in his house, etc.,

etc., broke a quantity of his china, and drank what liquors were in the house.

That after they had accomplished thus far of their cruelty, they made Mr. Wright a prisoner, and, with insulting language, laughed at the tears of his wife and sister, who were in the greatest agony of distress at so cruel a separation from their husband and brother.

That after Mr. Wright came on board where Mr. Callbeck was confined, they represented the treatment they had received, and the confidence they had that Broughton and Selman had no orders to commit such outrages, they, for the purpose of justifying themselves, read their orders, by which it appeared that they were no way directed to go to the Island, and that they were particularly cautioned not to abuse private property; upon which Mr. Callbeck and Wright labored all in their power to convince them of their not having, in any respect, conformed to their instructions or orders. They urged the cruelty of taking them away, and, though it was probable they would be immediately dismissed, yet it would be almost impossible for them to get back to the Island before the Winter set in, the season being so far advanced. Notwithstanding the reiteration of every argument that could be offered, they were deaf to every feeling or sensation of honor and determined to take away Mr. Callbeck with his effects, and Mr. Wright. That Mr. Callbeck supposes they have in their custody, of his property, to the amount of two thousand pounds sterling. To exaggerate the cruel treatment he has received, is impossible; and it is equally so even to give an exact detail of the injuries that have been offered to him and his property. All his papers read, some of which were of a very private nature. Although they had all his keys, his doors broken open; his effects, and the provisions and necessaries he had provided for his family's support, taken away and wantonly destroyed; his wife left destitute of every support; not so much as a candle to burn. Also, between seventy and eighty people who were lately arrived on the Island, and depended on him for their support during the winter, are left without any sort of provisions, some of whom, if not all, will inevitably perish for want, which would have been pre-

vented had Mr. Callbeck been permitted to stay; of this both Broughton and Selman were informed by him, as well as other persons. Not to add the further disadvantages that Mr. Callbeck suffers by being taken away, he is debarred from assisting Mrs. Callbeck in her distressed situation, and taking the necessary care of what remains of a shattered fortune. What has been left of his property in the Island is in the hands of servants, who doubtless will be neglectful, and perhaps avail themselves, under the depredations that have been committed on his property, by alleging several of his effects, which they will choose to plunder, were taken away by Broughton and Selman and party. They by their conduct have left Mrs. Callbeck open to these apprehensions; for, although it was urged and requested by his clerks, that an inventory should be taken of the effects they took away, they would not permit it, nor would they suffer the clerks to stand by while they were sending the things away, which were sent in utmost disorder.

To make it still more doubtful, and to give the inhabitants an opportunity to plunder, Broughton and Selman, after they made a prisoner of Mr. Wright, suffered some of their people to remain on shore, (without an officer) who broke the doors and windows of Governor Patterson's and Mr. Callbeck's houses, and a second time lawlessly entered and took out what they pleased, and finished what liquors had been left in both houses." (11)

After leaving Charlottetown they took a vessel from London, having on board John Richard Spence, Mr. Higgins and the Chaplain, Mr. Desbrisay. (12) Spence, his wife and servants were released, but all their effects were kept with the exception of their clothes and bedding. Mr. Desbrisay was released at the same time. It is presumed that they were put ashore at Canso, as on November 23, Spence wrote to the Secretary of State (Dartmouth) from there, reporting his capture and adding he had hired a schooner to carry them to the Island. (13)

When the operations of the two captains were laid before Washington he was indignant. His experience with the New England seamen had prepared him for almost anything concerning them. "The plague, trouble and vexation," he

wrote, (14) "I have had with the crews of all the armed vessels, are inexpressible. I do believe there is not on earth a more disorderly set." In the present case he acted quickly. On Dec. 7 he wrote the President of Congress:

"My fears that Broughton and Selman would not affect any good purpose were too well founded. They are returned and brought with them three of the principal inhabitants from the Island of St. John. Mr. Callbeck, as president of the council, acted as governor. They brought the governor's commission and the Province seal. As the captains acted without any warrant for such conduct I have thought it but justice to discharge these gentlemen, whose families were left in the utmost distress." (15)

Upon his release Callbeck wrote Washington: "I should ill deserve the generous treatment, which your excellency has been pleased to show me, had I not gratitude to acknowledge so great a favor. I cannot ascribe any part of it to my own merit, but must impute the whole to the philanthropy and humane disposition that so truly characterizes General Washington. Be so obliging, therefore, as to accept the only return in my power, that of my most grateful thanks." (16)

Broughton and Selman, were on this cruise about six weeks, and beside sacking Charlottetown, they took ten prizes all of which were released, Gerry wrote John Adams, "as we had waged a ministerial war and not one against our most gracious sovereign." (17) The two captains were severely reprimanded by Washington and never afterward entered the Continental service, although Broughton for a time served as a junior major in an Essex County Militia regiment. It is said that they both felt keenly the rebuke they received from the Commander-in-chief.

Colonial and Provincial New Englanders are never without apologists who labor to justify, if not sanctify, their acts. If the work has not reached the dignity of a vocation it at least has the merit and standing of an avocation. Jared Sparks, a former President of Harvard College, and a historian, seeks to excuse the conduct of the captains as something done "rather through ignorance of the customary rules of war-fare, than by

any conscious violation of the laws of equity and honor." In the light of the record the excuse is rather more ingenuous than ingenious. The orders were explicit and plain and the captains were neither inexperienced nor ignorant. Broughton at the time of his exploit was fifty-one years of age, had been a master for over twenty years and had been in the foreign trade. Selman was not a youth; he was old enough and tried enough to receive a Continental commission, and both he and Broughton may be assumed to have possessed the ability to interpret their orders. As to the "conscious violation of the laws of equity and honor," the least the apologists have to say, the better. The conduct of the two captains is beyond the saving grace of an excuse. If it requires an explanation, that explanation is to be found in the 7th paragraph of their orders and their devout and sincere intention of bringing themselves within its scope.

To Broughton, as the ranking officer, attaches the chief blame. As has been already observed, he was a native of Marblehead. A writer in the *New England Historic and Genealogical Register* (18) tells us among other things that he was "a prominent and active member of the First Church at Marblehead until the time of his death," which occurred Aug. 3, 1798. If there be now alive any descendants of the men whom he plundered they may be interested to know that the inscription on his monument portrays him as

"A man whose life and conversation shed lustre on his religious profession and furnished an example every way worthy of imitation."

CHAPTER III

From Salem, Callbeck made his way to Halifax, where he arrived not later than January 5, 1776 (19). After writing Dartmouth of his capture, the low state of his fortunes and emphasizing the fact that he had received but one year's salary since he had been an official at the Island, he took up the matter of the proper defence of the region under his jurisdiction. The fact that the Island was so near the track to Quebec, and the ease with which Broughton and Selman had pillaged Charlottetown,

made it evident that a neglect to provide proper protection would be to invite attack. Within ten days from the time of his arrival in Nova Scotia he prepared and sent to the home authorities plans for the defence of the Province, with the suggestion that if it was not to be defended, the serviceable ordnance already there should be either removed or destroyed. (20) He also wrote Admiral Shuldham for a war ship and Sir William Howe, commanding at Boston, for men and advice as to the probable cost of the defensive measures necessary, a part of which was the raising of a company of one hundred men. As the Island of St. John was outside his command, Howe did nothing more than approve in a general way what Callbeck proposed to do. (21)

Callbeck took this approval altogether too seriously, regarding it as having all the force and effect of an order, a mistake perhaps not unnatural on the part of a civilian, yet one which ultimately caused him a vast amount of trouble. On the strength of it he proceeded to recruit his company and drew upon the Treasury for £824/2/4 for that purpose. By March he had completed, with the aid of Captain William Spry, the Engineer officer at Halifax, two plans for works on the Island, which he forwarded to the Secretary of State. (22)

In the meantime the home authorities had strengthened the Newfoundland fleet for the purpose of watching the St. Lawrence, and Callbeck was informed that he must look to it for protection. In the same letter he was advised that he was not to neglect other means of defence, yet reminded that the Island was established a separate government on condition that the expense was not to become a public burden. (23).

Callbeck returned to Charlottetown on May 1, 1776, after an absence of five and a half months. (24) Upon reassuming the duties of his office of acting governor, he investigated conditions in the Island and found in them much cause for alarm and new reasons for urging that the Province at once be put in a state of defence. The English speaking inhabitants were loyal, but all of the French were disaffected. The latter, who were nearly all fowlers and hunters, were all armed, and only the lack of ammunition prevented them (in the opinion of Call-

beck) from extirpating the rest of the population. (25) There was also a fear of invasion from the north of Nova Scotia as much as from New England. (26)

The fear of trouble from northern Nova Scotia was not without some foundation, as there was considerable revolutionary activity in Cumberland County. Many of the settlers there were from Massachusetts and sympathized with the western colonies. Murdock wrote: "The feelings against the crown in Nova Scotia in 1775 were confined to the Acadian French who resented their conquest, the Indians who were attached to them by habit and need, and the settlers who were emigrants from New England." (27) Active among these people were John Allan and Jonathan Eddy, both of whom had been members of the Nova Scotia Assembly, but who had cast their lot with the revolutionists. Eddy was a native of Norton, Massachusetts, and came to Nova Scotia in 1763, while Allan was of Scottish birth. Both attained the rank of Colonel in the American service. (28) It was through their work that the opposition to the crown was kept alive and that many of the people of the County participated in the attack on Fort Cumberland in November. In the latter part of May the brig "Diligent" under the command of L—ten and Dodd arrived at Charlottetown with orders to remain on the station until a frigate could be sent. She afforded the first measure of security and defence to the island. (29) Coincident with her arrival, and presumably by her, came a letter from Howe to Callbeck, intimating that the frigate is a sufficient defence, and that as there is little probability of another attack, the guns are to be removed from the Island and the force he (Callbeck) proposed is not to be raised. (30) Callbeck did not agree with this "changed opinion" of Lord Howe and he was not long in making his views of the matter known to the home authorities. He was on the ground, he knew the exposed condition of the Island, the various places easy of attack and just how much might be expected in the way of security from a single ship, so he again urged upon Germain the necessity of raising and maintaining a body of troops to act in conjunction with the naval force. (31)

The summer and fall of 1776 was a period of uneasiness to

the people. The "rebellious inhabitants of Nova Scotia" were extremely active and particularly so on the water. They intercepted and seized some of Callbeck's dispatches, and others they threw overboard. (32) In October came the disquieting news of the hostile designs of the Indians, (33) and in November the attack of Eddy on Fort Cumberland. This was followed in December by the information of the seizure of a merchant vessel at Pictou, and of preparations for another descent upon the Island. Fortunately, the long looked for frigate appeared. The "Hunter," under command of Captain Boyle, arrived at Charlottetown on December 13th, (34) and on learning that the rebels had their prize at Bay Verte, Boyle detached Lieutenant Keppel, who went in pursuit, seized her and brought her in. (35) Upon the representation and pleading of the Council, Captain Boyle agreed to remain on the station until recalled. (36)

The arrival of the "Hunter" not only relieved a situation which had become tense, but her stores of arms and ammunition made it possible to equip the proposed company. Callbeck at once proceeded to complete it and appointed ——— Macdonald and John Stewart lieutenants. (37) By the first of July between sixty and seventy men had been embodied, armed and clothed and three batteries (one of seven, one of three and one of two guns) completed, and the Treasury drawn upon for the expense.

The continuous demand for protection had its effect on Germain. By August he was convinced that if more care were not taken of the Island, it had better be given up, and that "the precarious protection of a cruizer can be no encouragement to the inhabitants to improve that country," (38) and accordingly instructed Howe to send a detachment of one hundred men or renew orders to Callbeck to raise a company of that number. (39) In the meantime, the latter went on with the work of recruiting and the erection of barracks, and also applied to the Commander-in-chief at New York for arms for the inhabitants. (40)

Clinton, who had succeeded Howe, was unable to afford assistance but suggested an appeal to General Massey commanding at Halifax. (41)

The remainder of the year 1777 slipped by with nothing worse

than apprehensions on the part of the people, although these apprehensions were grave enough to warrant the Legislative Council and Assembly to busy themselves in petitioning for more protection. (42) Early in 1778 something stirred up Sir Henry Clinton at New York and a provincial battalion under the command of Lt. Col. Timothy Hierlihy (43) was sent from there to Halifax under orders for duty at the Island of St. Johns. This organization, which consisted of four companies, reached Halifax on April 7th, 1778, in rather poor shape, many of the men being sick. Ice in the Gut of Canso made it impossible to proceed to Charlottetown, so the command was forced to await the opening of navigation. While it was at Halifax, affairs took a turn which delayed it still longer in reaching the Island. News reached General Massey that two privateers were preparing to attack the colliery at Spanish River, "set fire to the mines, and destroy the wharves, with all the tools." To prevent this he "sent Lieutenant Colonel Hierlihy, with such of his Independent Companies as were in health, with two pieces of Cannon" for the protection of the place, with instructions to remain there until further orders. (44) Hierlihy reached Spanish River in time to save the place and Massey reported at once to Clinton the diverting of the troops.

While the troops intended for St. John Island were at Spanish River, "digging and preparing coal," two active privateers made another descent on the Island. This time Charlottetown escaped, doubtless owing to its defences, but other parts of the country were visited where many depredations were committed, and cattle and sheep wantonly shot. (45) A force was promptly sent against the marauders but they escaped before it could reach them.

When Clinton received Massey's report of the sending of Hierlihy and his command to Spanish River he became somewhat wrathful, and promptly and abruptly wrote: "Having long since directed Major Hierlihy with his Corps to proceed to the Island of St. John's, where they were to be Stationed for the defence and security of that Post, I could have wished they had not been detained at Spanish River; . . . and I am therefore to desire that you will order Major Hierlihy to proceed

forthwith with his Corps to St. John's, agreeable to the Orders he received before his Departure from hence." (46) This order General Massey transmitted to Hierlihy, who received it at Spanish River on October 27th. On November 1st he embarked his troops with twenty-seven men of Callbeck's Company, but on account of contrary winds he was unable to sail until the eleventh. On the 13th they put into St. Ann's. After leaving there the vessels were separated by a severe storm, but Hierlihy with a ship and two brigs managed to make Charlottetown on November 30th. The troops were landed December 2. (47) Three transports were wrecked on the coast of Nova Scotia and Ensign Noble and six of the ten men with him were lost. Lieutenant Kennedy with twenty-five men were wrecked on the Isle of Sable, but succeeded in reaching Halifax by April 7th, 1779, with the loss of two men. (48)

Hierlihy's first duty upon landing was to impart some disagreeable news to Callbeck and the Council. This was in the form of an order from Sir Henry Clinton to him, dated Sept. 12, 1778, directing the disbandment of Callbeck's company. Callbeck's surprise was complete, especially so in the light of the fact that he had just been made assistant engineer and ordered to report on what he proposed to do in matter of defense. (49) The surprise of the Council was as great as that of Callbeck. As soon as the latter realized the significance of the order, he begged Lieut. Colonel Hierlihy to defer action, and hastily convened the Council. That body met on December 3, 1778, and sent the following communication to Hierlihy:

3rd December, 1778. Council Chamber Charlotte-Town.

"That the order to disband President Callbeck's Company has been laid before them for opinion. They hope if it can be done with propriety, he will delay what they apprehend will expose the Island to danger until Sir Henry Clinton's resolution is received in answer to their application. Likewise that he will join with them in their request and in consequence order his Quartermaster to issue ration for that Company with his own corps." (50)

The demands of the situation were not without their influence upon Hierlihy, who in view of the fact that his own small

command, by reason of shipwreck, had been depleted to the extent of thirty-five men, readily agreed with the Council as to the wisdom, if not the necessity of keeping Callbeck's Company in the service. Callbeck himself was not lacking in public spirit. In order to make certain the existence of the command during this period of need, and to relieve Hierlihy from the ultimate embarrassments which were sure to arise because of its maintenance, he executed an instrument of indemnification pledging himself to make good all subsistence, clothing and pay accounts until Clinton's determination in the matter should be made known. (51)

Long before the arrival of Hierlihy's Corps Callbeck had been energetic in the matter of erecting defensive works and barracks, and when the "Independent Companies" reached Charlottetown suitable quarters were at their disposal. (52) The newly arrived troops settled themselves in comfort, and, while they were undisturbed by enemies from the outside, they were not free from those troubles which are not infrequent in garrison life. Early in the spring of 1779 the relations between Hierlihy and Alexander McMillan, captain of one of the Companies under him, became strained to the breaking point, and culminated in a matter that dragged for nearly four years. What the real trouble was is hard to determine from the meagre material now available. It would seem, however, that Captain McMillan was accused of what we now call "conduct unbecoming an officer and gentleman, and prejudicial to good order and military discipline." On April 11, 1779, Major Hierlihy wrote to Lieutenant Henderson that he, and the other gentlemen who had complained against Captain McMillan, should commit to writing in one general complaint, which shall be laid before a general court martial, what they allege against him, "how far he acts consistent with his present situation in the liberties he takes, company he keeps, etc." (53) This letter in some way fell into the hands of Captain McMillan, who forwarded a copy of it to General McLean, together with his deposition taken before Thomas Wright, J. P., and at the same time asked for a trial before "a general court martial where he hoped to acquit himself honourably of the crimes laid to his charge." In the

letter to General McLean he accuses his commanding officer of spite and malice towards him, and alleges that by reason of his (Hierlihy's) unprudence, he (McMillan) had lost eleven men of his Company. In the deposition he charges "That in October last as Captain in the Independent Companies at Spanish River he had asked Major Hierlihy to settle accounts, which was refused, also his commission. Major Hierlihy said he wished to give the commission in Isle of St. John in form before the Governor and Council. That on 4th March he waited on the Major in Charlottetown, who refused to give up the Commission or settle accounts till he heard from Halifax." (54) Two weeks later McMillan followed with another reiteration of his company being "a sacrifice to the private views of Major Hierlihy." (55) McMillan's case had very little merit in the eyes of his brother officers, as in August eleven of them united in a communication to Hierlihy asking him to memorialize Sir Henry Clinton to remove him, as owing to the remote situation of the regiment there was little possibility of his ever being brought to trial before a general court martial. They even offered to contribute to his support if he were removed. (56) The last word in this affair seems to have been written at the close of December, 1782, when Major General James Patterson commanding at Halifax forwarded to Carleton at New York the proceedings, findings and sentence of a court martial convened for the trial of Captain Alexander McMillan. (58)

The Early German Settlers Along the Hudson and Schoharie

BY JOHN HOWARD BROWN

LEOPOLD I during his slow and hesitating reign, 1657-75 witnessed the decline of the German Empire to the lowest stage of degradation. This condition gave to Louis XIV of France his opportunity to bring into full play his imperial policy of aggrandizement. Peace reigned along the banks of the upper Rhine, notwithstanding the depressing condition brought about by the inactivity, both civil and military, that marked the twenty years reign of Leopold I and still held sway for the following twelve years. The German apparently thrives best when pressed by the urgent demands of the government taxes, or the exactions of an invading foe. Peace brought to the people no market for the fruits and grains of the fertile valleys of the upper Rhine and overfilled barns and overflowing wine presses, presented to the French ruler a golden opportunity for invasion. He captured the free city of Strassburg in 1689 and with unparalleled cruelty devastated by fire and sword the most beautiful and fruitful part of Germany, if not of the civilized world, the Palatinate region of the upper Rhine, so abundantly stored with agricultural wealth. This disaster brought in its train the most abject poverty and want. No fabled phoenix was visible to bear upon her immolated wings the weight of disaster that had paralyzed the arms of husbandman and vine-grower. Only one way of escape was open to the impoverished Palatinate, a hasty exodus by the river that flowed through the smoking ruins of their homes, barns and vineyards. This would carry them down stream to hospitable Holland and thence to England the natural enemy of the French King who had wrought such havoc on the upper banks of the beautiful Rhine.

Already Queen Anne had invited them to her domain with the promise of a speedy passage to her provinces in America, where the richest lands were awaiting the best trained agriculturists of the world. They came to her by the thousand and crowded every available vessel bound across the Atlantic for the promised land where golden harvests awaited them to be envolved through their skilled labor.

Thus the poverty stricken Palatinate, in his desperation, taking with him all that was left of his worldly possessions, a faithful wife and large family of children ranging from one year to twenty, was crowded into illy ventilated sailing vessels and started on a long and tedious voyage. Disease broke out among the passengers, owing to insufficient and unsuited food and miserably contaminated drinking water, and the families were greatly reduced as one after another of the members were taken ill and found a grave beneath the waters of the Atlantic. On arriving in New York the passenger list as written out in duplicate at St. Catherine's disclosed the distressing fact that at least one-third of the number had died during the voyage and the remainder were illy fitted to take up such work as was offered them in the pine and fir forest of the Hudson, Mohawk and Schoharie valleys, to which they proceeded by vessel to their destination by way of Hudson's beautiful river.

The annexed diary of one of the number of the Palatinate immigrants who had escaped death at sea gives the best insight obtainable of the early days of this German invasion by industrious and peace loving husbandmen and vinedressers and their dipteral families. Their arrival, trials, disappointments and final successes make interesting pages in the history of the progress of agricultural endeavors in the new world as witnessed in the fertile districts of Dutchess and Schoharie counties of New York and the northeastern counties of Pennsylvania, penned by so truthful and reliable a chronicler as Conrad Weiser in his diary which throws so much new light on the early history of the German immigration into these sections of America.

A CONRAD WEISER DIARY.

The following transcription and translation of a diary by Conrad Weiser, owned by Howell Souders, of Tamaqua, Pa., was made by Rev. George Gebert, of the same place. On the left hand column is an exact reproduction in English letters of the diary; on the right hand column a translation.

Page 3—"In the year 1696 on the 2nd of November was I Conrad Weiser, born in Europe, in the country of Wuerttemberg, in the Magistracy of Herrenberg. The village is said to be called Astaet and at Kuppingen nearby I was Baptized, as my father informed me. I say that on the 2nd of November 1696 I was born.

Page 5—"My father's name was Johann Conrad Weiser. My mother, Anna Magdalena, nee Ueblen, My grandfather also, Jacob Weiser, magistrate in the village of great Astlach, in the District of Backnang, also situated in the country of Wurtemberg, in above named village. My ancestors, from very olden times were born and lie buried there, as well on the father's as on the Mother's side.

Page 7—"In the year 1709 my mother departed to eternity on the 1st day of May in the 43rd year of her age, when she was with her tenth child. She left the children: Catrina, Margreda, Magdalena, Sabina, Conrad, George Frederick, Barbara, Johann Frederick, and was there buried by the side of her ancestors. She was a pious woman, beloved by her neighbors. Her motto was: Jesus to thee I live, to thee I die, thine I am dead or living.

Page 9—"In the above named year, namely 1709, my father moved away from Great Astlach, on the 24th of June. He took eight of the children with him. My oldest sister Catrina remained with her husband ther, Conrad Boss, with whom she had already 2 children. My father left them his house, fields and meadows, vineyards and gardens. They could raise no more than 75 guilders. The rest amounting to 600 guilders my father was to get later, but was never done and is now presented to them.

Page 11—"After about two months we landed in London, England, with some thousand (a few thousand) Germans whom Queen Anne of most honorable memory received and supplied with food. About Christmas we were loaded, ten ships full, about 4000 souls, for America. On the 13th of June we came to anchor in New York, North America, and in the Fall of the same year were placed on Lewenstein's Manor at the expense of the Queen.

Page 13—"Here in Livingston or as we High Germans say, Lewinstein Manor, we were to burn tar and cultivate hemp to remunerate the Queen for the passage. From Holland to England and from England to New York under direction of Compereers as: Johann Cast, Heinrich Meyer, Reichard Seukott, who were placed over us by Robert Hunter, Governor of New York. Nothing would succeed however and the people were declared free and released in the year 1713. Then the people separated into the province of New York. Many remained there.

Page 15—"Nearly 150 families resolved to move to Jochary, a place about 40 English miles to the west of Albany. They sent Deputies to the Magnaisch Land to confer about it with the Indians, who allowed them to settle at Jochary because of their Indian deputy, who was in England, while the Germany people lay in tents on the black heath, had presented this Jochary to Queen Anne to settle this on people. The Indian Deputies were sent to direct the Germans to Jochary. My father was the first among the German Deputies.

Page 17—"In November 1713 after the above mentioned deputies returned from the Magnaish Land to the Manor Lewenstein, the people moved the same Fall to Albany and Schenectady, so as to move to Jochary the next Spring. Bread was extraordinarily high. The people worked hard to earn their daily bread, but the inhabitants were very liberal and did these newly-arrived Germans much good although the evil-minded were not wanting also. My father arrived the same Fall in Schenectady and stayed during the winter with a man by the name of Johannes Meynderton. A chief of the Magnaisch Na-

tion by the name of Quaynant visited my father, and they decided that I should go.

Page 19—"With Quaynant into his country to learn the Magnaisch language. I went with him and arrived toward the end of November in Magnaisch Land, and had to lodge with the Indians. I had to suffer much from the severe cold for I was but poorly clothed. Towards Spring I suffered much from hunger because the Indians had nothing more to eat. One bushel of corn cost from 5 to 6 shillings. The Indians were at that time also very cruel in their drunkenness, so that I had often to hide myself from fear of the drunken Indians.

Page 21—"In the Spring of 1714 my father removed from Schenectady to Schohary with about 150 families in great poverty. One borrowed a horse here and another borrowed a cow there, a harness for a plow, with it they hitched together and broke up so much land so that the next year they had almost corn enough to eat. During the year we suffered much hunger however, and the people made many a meal with wild pataten (as) (potatoes) and Strawberries (Erdbonnen) which grow here in large quantities. Potatoes are called by the Indians ochnanada and strawberries, otachvagara.

Page 23—"If we wanted flour we had to go about 35 or 40 miles for it and to get it we had to beg it on credit; then one got a bushel or two here and the other there of wheat and had to be often 3 or 4 days from home before we arrived with our own people, who waited meanwhile with pain and tears for bread. The people had settled in villages of which there were seven. The first and nearest to Schenectady was called 1. Knesernle. 2. Gerlachsville. 3. Foxville. 4. Hans George Schmitzville. 5. Weisers or Bremen ville. 6. Hartmansville. 7. Upperweiser-ville.

Page 25—"After the deputies who had been sent to Lewenstein's Manor returned toward the end of July, I came again from the Indians to my father. I had made a good beginning, or had learned the greater part of the Magnaisch language. One English mile from my father's house lived some Magnaisch families. Then there were often of the Magnaisch on their hunt-

ing trips in trouble and there was much to interpret but without pay. There was no one else to be found among our people who understood the language. I therefore mastered the language completely, as much as my years and other circumstances permitted.

Page 27—"Here the people lived for a few years without preacher and without government, generally in peace. Each one did what he thought was right. About this time I became very sick and thought I had to die and would gladly have died, for my stepmother was a stepmother indeed. On her representation I was treated very severely by father, had besides no other friend, and had to suffer hunger and cold. I had often decided to run away but by this sickness the bridle and bit were laid in my mouth, I was bound as it were with a rope to render obedience and to stay with my father.

Page 29—"I have said above that my father immigrated as widower from Germany and landed with 8 children in New York in 1710. There my two brothers George Frederick and Christoph Frederick were bound out by the Governor of Long Island, with permission of my father who was sick at the time. The following winter, namely in December, my youngest brother Johann Frederick, died about the sixth year of his age and was buried in Lewinstein's Busch as we said then. He was the first dead that was buried in the church flats of the Reformed church in Weisersville.

Page 31—"In 1711 my father married my stepmother of whom I have just written. It was an unfortunate marriage and caused that my brothers and sisters were all scattered. And at last I was alone with him, besides the three children he had with my stepmother as Johann Frederick and Jacob Weiser and Rebecca. Everything else too went backward and one misfortune after another came over our family, of which I took at all times my share. Often I knew not where to go and I learned to sigh to God, and the Bible became to me a very acceptable book.

Page 33—"To come back to Schohary, the people had taken possession of it without greeting the Governor of New York,

who after he showed them his disapproval, sold the land of Schohary to seven rich merchants, of whom four lived in Albany and the other three in New York. The names of those in Albany were: Meyndert Schiller, John Schiller, Robert Livingston, Peter Von Brugh. Those in New York were: George Clark at the time Secretary, Doctor Hads, Rip von Dam; whereupon arose a great cry in Schohary and Albany because in Albany many people desired that the people should keep the land.

Page 35—"The people in Schochary divided into two parties, the strongest party would not submit but maintained the land, and sent therefore deputies to England to obtain from King George the First not only Schochary but more land for the other High Germans. It did not go according to their wish, for first the three deputies had to depart secretly. They took ship therefore in Philadelphia in 1718 and ran as soon as they got on the open sea into the hands of pirates, who took their money as well as that of the people of the ship, and then let them go.

Page 37—"My father who was one of the deputies, was bound and scourged three times but would confess to no money. At last William Schaft the other deputy said to the pirates: you men, I and this man had one purse and I have given it to you, he can give you nothing, thereupon they let him go in peace. They had to run to Boston to buy provisions in the place of those which the pirates had taken from them. When they arrived in England they found the times changed, nor did Queen Anne rule any more, they found but very few of the old benefactors.

Page 39—"Among them were two gentlemen, Henen Boehm and Robert, Preacher of the German Castle Chapel. These did all they could. The matter of the deputies came at last before the Lord Commissioners of Trade and Plantation. The governor of New York Robert Hunter, was cited home, in the meantime the deputies got into debt. Walrath the third deputy got homesick, boarded a ship for New York and died on the ocean. The other two were thrown into prison. They wrote in good time for money but the imprudence and dishonesty of those who

should forward the money which the people had brought together,

Page 41—"Caused the money to come very slowly to England. Meanwhile Robert Hunter had arrived in England, settled his difficulties, had accounted for what he had done to Schochary before the Lords of Trade. His opponents were in prison, had neither friends nor money. When at last a draft of 70 pounds sterling arrived they were released from prison again and renewed their appeal. At last they effected an order on the newly arrived Governor of New York, by the name of William Burnet to give to the High German people, which had been sent to New York by Queen Anne of blessed memory the land which had not yet been given away.

Page 43—"Toward the end of the year 1720 William Burnet arrived in New York. At the beginning of 1721 I was sent to this above Governor to give him a petition. He showed himself friendly and told me of the order of the Lords of Trade he had brought with him, which he had resolved to live up to. Our deputies were yet in England and were not satisfied with the decision, but effected nothing more. Toward the end of this year, 1721, Schaft had become dissatisfied with my father and came home—they had both hard heads. At last in November 1723 my father also came home. Schaft had died 6 weeks after his arrival.

Page 45—"Governor Burnet gave those few who wanted to settle on the land of the Magnaisch land patents, namely for land on Stony Arabia and above the fall but none on the river, as the people had hoped, therefore they separated, most of them moved to the Magnaisch land or stayed in Schohary and bought land from the above named 7 gentlemen. The people received news from the land at the Swatara and Tulpehocken in Pennsylvania. Many of them came together, cut a way from Schohary to the Susquehanna and brought their good hithere and made canoes and journeyed down to the mouth,

Page 47—"Of the Swatara Creek and drove their cattle over land in the Spring of 1723. Thence they came to Tulpehocken Settlement; later others followed and settled there, at first with-

out permission of the owner of the land or company, or toward the Indians from whom the people had not yet bought the land. There was no one among the people who could gnanage them, each one did as he wished and their stubbornness stood in their way up to this time. I will now leave them and described my own circumstances.

Page 49—"In 1720 when my father went to England I married my Anna Eva, the Rev. Johann Frederick Heger, Reformed Preacher, united us on the 22nd of November in my father's house in Schohary. On the 7th of September 1722 my son Philip was born and by Johann Bernard von Duehren, Lutheran preacher, baptized. His Sponsors were Philip Braun and his wife. On the 14th of January 1725 my daughter Anna Madlina was born and was baptized by Johann Jacob Oehl, Reformed Preacher. The Sponsors were Christian Bausch Junior and my sister Barbara.

Page 51—"On the 24th of June 1727 my daughter Maria was born and was baptized by William Christoph Birkenmeyer, Lutheran Minister. Sponsors were Nicklos Feg and his wife. On the 24th of December 1728 my son Frederick was born. He was baptized by Johann Bernard von Deuren, Lutheran Preacher. Sponsors were Nicklas Feg and his wife. These four were born to me at Schohary. After this, namely in the year 1729, I Moved to Pennsylvania and settled at Tulpehocken where the following children were born to me.

Page 53—"On the 27th of February 1730 my son Peter was born and on the 15th of February 1731 two sons were born to me, who were named Christoph and Jacob; the first lived fifteen weeks and the second thirteen weeks; when they were released from the evil of this time and departed into blessed eternity. On the 19th of June 1732 my daughter Elizabeth was born to me. On the 28th of January 1734 my daughter Margreda was born.

Page 55—"On the 23rd of April 1735 my son Samuel was born. On the 18th of July 1736 another son was born to me. I named him Benjamin. When he was three months old the kind Providence of the Almighty God took him away. In the same

year my daughter Elizabeth followed. May the merciful God give me them again to the honor of His Glory. On the 11th of August 1740 again a son was born to me. We named him Jabez. The mercy of God released him from the evil of this time when he had lived 17 days.

Page 57—"On the 27th of February 1742 again a daughter was born to me and I named her Hannah. On the following 11th of August she departed to the blessed eternity. On the 16th of March of this same year my beloved daughter Madlina departed from time to eternity with a gentle death after a long continued sickness. Her faith, trust and confidence was in the crucified Savior Jesus Christ, to whom she had given herself in healthy days, with body and soul unto eternal chastity.

Page 59—"On the 12th of August 1744 my son Benjamin was born to me. Ending of my bookwriting."¹

My father died on the 13th of July 1760.

My mother departed into eternity on the 10th of June 1781.²

1. This diary is contained in 30 of the 59 pages of his writing book, the Scripture texts 19 pages and pages 2, 40, 42, 44, 48, 50, 52, 56 and 58 are blank. On the written pages the English translation given above is preceded by a page of Bible texts appropriate to the state of mind under which he wrote.

2. Probably the book in which this diary was written came into the possession of his eldest son, Philip, who added to the record the dates of the death of his father and mother. Philip was born in 1722, and would have been 59 years of age at the time he wrote the last sentence in the diary of his father.

The Spanish Language on Easter Island

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HERE is in progress a small, but interesting extension of the area of spoken Spanish, in a rather out-of-the-way place, viz., on Easter Island, that outlier of Polynesia, situated in 27 degrees, 8 minutes, south latitude, and 109 degrees, 25 minutes west longitude, about 1,400 miles east from Pitcairn Island and some 2,500 miles from the coast of South America. The *Bibliography of Easter Island*,¹ published in 1907 by Dr. Walter Lehmann, covering the topics of discovery and exploration, geography, anthropology, ethnography, linguistics, etc., indicates, by its magnitude, the interest taken in the natives, the megalithic statues and stone-platforms, the wooden figures and hieroglyphic tablets, etc. Naturally enough, some very wild speculations as to the origin and significance of the "ancient culture" of Easter Island have been indulged in in certain quarters,—the theories propounded running all the way from simple colonization from the Galapagos Islands to "Hebrew origins," or "a link between the ancient civilizations of Asia and America." Connections with the prehistoric people of Tiahuanuco have also been suggested.

But there seems to be no doubt that the natives of Easter Island, at the time of its discovery by Europeans, spoke a Polynesian dialect (closely related, as some phonetic peculiarities in particular show, to the language of the Maoris of New Zealand), and, up to the period of serious European influence upon their speech, outside linguistic modifications have all come from other

1. "Essai d'une monographie bibliographique sur l'île de Pâques," in *Anthropos*, 1907, Vol. 2, pp. 141-151, 257-268. See also additions to this Bibliography by Dr. R. R. Schuller, in *Globus*, 1907, Vol. 2, pp. 270-271.

regions of Polynesia alone. Their culture also is of Oceanic origin.

Several forced and voluntary migrations from Easter Island have occurred. In 1862 a considerable number of the natives were kidnapped by Peruvian "slave-dealers" and carried off to the Chincha Islands, to work on the guano-deposits. Of these all but two died and the small-pox epidemic, introduced into the Island by the survivors on their return, decimated the population. According to Thomson,² an old man named Pakomeo, was in 1889 the sole individual remaining of those carried off to the Chinchas.

During the period 1863-1871 a number of French missionaries from Tahiti, etc., came to Easter Island and set to work converting the natives. In 1875 many Easter Islanders removed to Tahiti to labor in the sugar-plantations. About the same time the intrigues of a French rancher, who had married a native woman and caused her to be proclaimed "Queen," led to the return of the missionaries to Tahiti, and some 300 of the natives followed them thither, and to the Gambier Islands (Mangareva).

The colony which the Easter Islanders established near Paapeete, in Tahiti, numbered in 1900 only 44 men, women, and children. A few Easter Islanders are said also to have gone to Eimeo.

Of those who migrated to Tahiti, a number seem to have returned to their native land, and, together with the Tahitian missionaries, to have exerted considerable influence upon the language, etc., of Easter Island. Knoche,³ in 1912, reports that the church-service there was held in the Tahitian language; also that some of the songs sung by youths and maidens were of Tahitian origin. Tahitian influence is so noted in habits and customs.

Traces of English and French influences are perceptible in a few words added to the vocabulary, etc., but the greatest influence of an ultimate European source is more recent, coming through the Spanish of Chile. In 1888, after the French had refused (a delegation was sent from Easter Island to Tahiti to ask

2. W. F. Thomson, "Te Pito Henua, or Easter Island," in *Ann. Rep. Smithsonian Inst. for 1889* (Washington, 1891), pp. 447-553.

3. W. Knoche, "Ein Märchen und zwei kleine Gesänge von der Oster-Insel," in the *Zeitschrift f. Ethnologie*, 1912, Vol. 44, pp. 64-71.

for French control) to annex the island, the government of Chile took formal possession, and naval demonstrations have since taken place in its waters. The net result of the Chilean occupation of Easter Island will be the acquisition of the Spanish language by the natives, the few remaining individuals of Polynesian ancestry.

According to Knoche, there are at present 228 natives (all "civilized" and "Christian," after a fashion), of whom but half a dozen, and these above 70 years of age, can speak their mother-tongue well,—and it is no longer completely understood by their grandchildren. The present "King" of the island, one "Juan Tepano" (or "Stephen"), now 40 years old, has served as a sub-officer in the Chilean army, and learned Spanish in America; from him Knoche obtained his linguistic and folk-lore information and material. Even the "King" was unable to translate the text he recited to Knoche, without several times turning to some of the older people about him for explanations of certain words and phrases. Of the 20 men and women, who listened to the story-telling of Tepano, none were themselves able to relate the tales, etc., in the old Easter Island language.

When Knoche sought to take photographs of native women in the nude, they all refused, saying, "Somos Cristianos," i. e., "We are Christians" (Spaniards). Chilean songs have already begun to replace or drive out the Tahitian ones, which had previously suppressed some of those belonging to older Easter Island culture.

Concerning the language itself, Knoche says:

"In a few years, Spanish, which the intelligent natives easily learn from the Chilean officials and from the crews of the war-ships visiting the island, will have completely suppressed the Polynesian tongue."

And thus, another, and, perhaps, a very curious, dialect will be added to the descendants of ancient Latin through modern European and American Spanish.

Civil War Money

CONTRIBUTED BY JULIA A. LAPHAM

IN the article on Money in the Encyclopedia Britannica, the writer quotes from "Money Trade and Industry," by F. A. Walker this definition of the word.

"Money is that which passes freely from hand to hand throughout the community in final discharge of debts and full payment for commodities, being accepted equally without reference to the character or credit of the person who offers it and without the intention of the person who receives to consume it or enjoy it or apply it to any other use than in turn to tender it to others in discharge of debts or payment for commodities."

After reading this clear and comprehensive definition one can readily understand that great troubles and inconveniences would arise should this "medium of commerce," as Webster calls it for any reason become scarce in the land.

Money is always an interesting subject to mankind, whether one has too much or too little, whether he can spend without thought of the future or must consider the spending of those little copper pennies that, during the Civil War, became almost unknown. Not only pennies but all smaller change became scarce and many plans were suggested and some of them tried to relieve the situation.

Government issued fifty, twenty-five and ten cents in paper as did also some of the banks. Small envelopes containing postage stamps—the value printed on the outside were in constant use.

Coins resembling pennies were issued by business men as advertisements. Each firm issuing these coins agreed to redeem them in United States money whenever one hundred should be presented.

These coins have now an historic value and interest, as many

firms well known during and before the Civil War, are not to be found in the directories of to-day. Others are in the hands of the second or third generation. The designs for some of the coins issued in Milwaukee were made by John Marr the well known engraver and father of Carl Marr the artist. Mr. Marr's designs were quite artistic and rather more elaborate than others, some of which only gave names and location.

The card of Philip Best's Brewery was designed by Marr. He combined very artistically a mug of foaming beer, a barrel, various tools and implements with the grains from which the beer was made. This brewery was the predecessor of the Pabst Co. in Milwaukee.

Milwaukee was not the only city in which beer was made and sold in those early days, for one of these little coins tells us that Gustavus Lindenmueller made and sold it in New York and another tells us that T. Hofman sold it in Kylbourn City. It fails however to tell us where Mr. Hofman found that spelling of the name of Byron Kilbourn for whom the place was named. In 1860 F. E. Rigby dealer in wall papers at 81 Randolph street, Chicago, issued some of these coins. He would probably, be surprised to know that one of them was still in existence in a collection preserved in one of the smaller cities of Wisconsin.

David Ball advertised his Domestic and Foreign Exchange Office at Grand Rapids, Michigan, on one of these little coins.

The Milwaukee directory of to-day does not show the name Tunis, but a coin tells us that W. E. Tunis was a general news-dealer at Detroit, Clifton, Canada West and Milwaukee during the Civil War.

A settler's check "good for five cents," in the same collection, tells us that J. A. Leggatt was sutler in the 3d Michigan Cavalry. The proprietor of the department store of to-day was, in the olden time, the Dealer in Dry Goods and Groceries. We learn by these little coins that J. W. Peirce of Grand Rapids, D. F. Newcomb of Columbus and I. Livingston of Marshall, in the state of Wisconsin, were such dealers, while W. H. Bogardus of North Prairie, also in Wisconsin, added hardware to his stock.

The coin issued by H. Upmeyer tells us more of the man than that he was a jeweler at 258 West Water street, Milwaukee, for

the head of Stephen A. Douglass would only have been used to decorate the advertisement of a Democrat.

Books were published in Milwaukee by I. A. Hopkins certainly as early as 1846. His coin card tells us that during the Civil War "I. A. Hopkins' Western Publishing House" was still located at 140 U. S. Block. Mr. Hopkins' advertisement in a newspaper of 1848 reads: "Officers of Odd Fellow's Lodges, Sons of Temperance, etc., etc., are invited by I. A. Hopkins to call at 140 United States Block and see a large assortment of beautifully bound BIBLES; among them a few copies of Harper's Illustrated Bibles in splendid Turkey Morocco which will be sold at greatly reduced prices."

Another set of coins, issued during the war, resembled more closely the United States pennies as there were no advertisements on them. The words "Our Army," "Our Navy" or "Our Union" were surrounded by some patriotic sentiment; "United we stand." "Liberty and no Slavery," "The Federal Union it must be Preserved" and "The Flag of our Union if any one Attempts to Take it Down Shoot him on the Spot." Now these coins are almost entirely forgotten and can only be found in the collection of some curio lover.

Pithole

THE STORY OF THE RISE AND FALL OF A PENNSYLVANIA OIL CITY

BY JOHN HOWARD BROWN

ON a farm twelve miles from the prosperous city of Titusville, and ten miles from Oil City, both now famous centres of trade built up by the discovery of petroleum in the oil district of Pennsylvania, there existed a town which outrivaled either of these now populous cities forty-seven years ago. But it was a phantom city of a night, a mushroom which grew up and witnessed its own decay within one short year. It was named "Pithole" from the creek on the bank of which the "Boom City" stood bran-new in 1865 and deserted and left desolate early in 1866. The farm on which it was built, sold to fortunate speculators in 1865 for \$1,500,000, was sold forty years after for taxes and brought \$100. The city grew so fast that its sponserers had no voice in its name, and common consent accepted the name of the creek and called it Pithole, which was no misnomer, judging by the land on which it stood and the highways over which the material for its building was hauled by wagon in the absence of a railroad within a radius of half a dozen miles.

The condition of both highways and city was seen and its deserted streets trod and its palatial hotels and exchanges, open to bats and owls and inquisitive visitors, was beheld by the writer less than three months after the hasty exodus of its 12,000 inhabitants. This visit was made at the time one hotel, a very small one with board partitions separating its rooms, gave us shelter. Less than 100 people were in the place and most of them engaged in skimming oil floating on the wells which had been dug to supply pure drinking water,

but now flooded from the deserted oil wells. The oil tanks were empty and most of them burned. There was but one hotel and one store open to business. The floors of the deserted hotel, the palatial Danforth House, were strewn with tape that still quoted the price of oil in New York when the telegraph company carried away the receivers three months before. The rooms were stripped of the fine furniture, which had been left by the disgusted proprietors, and only such articles as were too heavy to move, were left behind to be used or left alone by the few families too poor to get away from the deserted place. The journey to and from Oil City was made by wagon and on foot as chance might offer, and one night in Pithole sufficed to exhaust curiosity and make notes for data of the visit.

The visitor to the site of Pithole today would find a single farm house and a farm covering the centre of the city of 1866 now plowed over and devoted to corn, potatoes and winter grain. The ruins of former hotels, theatres, stock exchange and private residences not obliterated already by time, in the peaceable possession of birds and squirrels. The embankment left of a proposed railroad being hastily constructed during the year of the existence of the place, is undisturbed; holes in the ground are pointed out by the only old inhabitant as the cellar of a liquor saloon, or the floor of a dance hall, or site of a gambling house, either burned or fallen into decay. Rows of such ruins mark the place of stores, brokers' offices, telegraph rooms and express buildings, better built, but not able to withstand the rains and snows of forty years. The skeleton of a city crumbling, disappearing and gradually fading from remembrance was the tomb of a departed life enjoyed for less than a year at the expense of millions of dollars, offered on the altar of greed by the devotee of get-rich-quick disciples in a gamble with luck, in which some gained, others lost, but both gainers and losers were unknown, and the city of their hasty building was made of such poor stuff that no ruins mark the spot, no map records the site, and nature alone provides a tomb, comprising a lovely valley with wooded slopes, watered by a sparkling brook at its base and covered by an arched blue vault above.

The historian can relate the incident in the busy but short life

of one, in a community of cities, an almost forgotten child of wealth, born of great promise with the traditional "silver spoon," but cut off ere a single anniversary of its birth could be celebrated, and leaving no precious memory of its short life behind. Pithole can be associated with no beauty such as immortalized "Sweet Auburn, the loveliest village of the Plain," of which Goldsmith sang.

Pithole at its birth drew to its site 10,000 earnest, eager and expectant men with money to sink in the mother earth, in the hope of striking more oil. Following them came half as many adventurers, both male and female, to feed upon and grow rich from the distribution of the millions of dollars invested in the great gamble. The result was the building of a card board city, sufficient to the day.

This all came about through a man by the common name of Brown and a divining rod cut from a witch-hazel bush in the neighboring swamp. The neighborhood up to 1864 had been occupied by two farm houses, in which dwelt *thirteen* persons, making up two households. They had heard of oil being struck way off in Titusville and other places, ten to fifteen miles away. The quiet neighborhood of Pithole creek had never been visited by a prospector hunting for oil until one of the householders, Thomas Holmden, was visited by one Thomas Brown. He was an oil prospector and he proceeded, with permission from Thomas Holmden, to try the effect of his witch-hazel "divining rod" upon the fields and wider meadows and pasturelands of his farm to determine the presence of oil. Evidently there was at least one doubting Thomas, as Thomas Holmden ridiculed the proceeding, but Brown asserted that his divining rod would give proof positive of the existence of petroleum. The two men watched the upturned rod, the branches of which were held in the two hands of Thomas Brown, as the men trod the rough fields. Brown charged him to watch the juncture of the rods now high in the air and see it bend down toward the ground as if it were a magnet attracted by iron in the soil. The journey had not consumed much time before, sure enough, the obeisance was made by the rod in the hands of Brown, and there was left no doubting Thomas, as the owner of the farm involuntarily jumped

high in the air with an exclamation of belief in his good fortune in having struck oil. The spot was carefully marked and Thomas Holmden's belief was confided to his wife, a woman of exceptionally acute mind. They had but a small income, but the money necessary to begin drilling was raised and operations were begun the following winter. One night early in 1865, oil was struck on the farm at the very spot the divining rod of Thomas Brown had indicated, and the well was named "The United States" and started off with an output of 250 barrels of oil the first twenty-four hours, and oil was worth at the time \$8.00 per barrel. The modest farmer of yesterday was assured at the close of today that he owned a well that would pay him \$2,000 per day, more than the entire value of his farm for agricultural purposes.

Then followed a frenzied scene of excitement. Farmers for miles around came and saw and went home to meet the incoming speculators anxious to buy farms anywhere in the region. The question in arithmetic was asked and not readily solved: "If Thomas Holmden's farm will produce oil worth \$2,000 per day, how much ought I charge for my farm?" Buyers came from places nearby and far away, on foot and in the saddle. The roads were so bad they could not get through in wagons, as both horses and wagons were soon drowned in the mud of Pithole. The first offer received by Thomas Holmden was \$25,000 for his farm, comprising about one hundred acres, which price Mr. Holmden was disposed to accept, but his wife refused to sign the deed and the offer was raised to \$50,000, which offer brought both husband and wife to terms, and not long after the purchaser sold the farm to the Garden City Petroleum Company of Chicago for \$1,500,000, of which sum the purchasers paid \$750,000 in cash. By this deal the first purchaser had in hand \$700,000 in cash after paying the Holmden's for the farm, and a lien on the property for \$750,000 to the good. In May, 1865, the United States Well, through gradual increase, had reached high water mark of 800 barrels per day.

This was just before the "Grant Well" was struck by the Garden City Company. This phenomenal well, known as a "sprouter," poured out a continuous stream of oil which filled

a tank of 1,200 barrels' contents in twenty-four hours, at the end of which time the stream was directed into a new tank of greater proportions. Oil had gone down in price, but the daily output brought \$9,000 per day. Farming operations were forgotten in that neighborhood. In the spring of 1865 the fields remained unplowed, and the stock ran wild on the unfenced acres. The news of the "Grant gusher" settled all doubts as to the harvest of oil in sight, without labor under the midday sun to gather. Brokers, speculators and adventurers came from all parts of the world. New and productive wells were struck in rapid succession; fortunes changed hands in a few hours; buildings sprung up as in a night—a recklessness of ever increasing intensity possessed the place; dollars by the thousand were squandered with no apprehension of the oil ever giving out, and the wildest stories are told of the want of realization of values.

The summer passed into September and nine hundred buildings including hotels, theatres, business blocks, gambling saloons, dance houses and a few private residences were planted on the banks of Pithole creek. The bedlam of Broad street, and its attendant making and unmaking of fortunes, had been transferred to Pithole, and bedlam became pandemonium, for little law prevailed or could be enforced in Pithole.

Besides the pumping wells which had increased daily seventeen flowing wells had been struck from which flowed 6,000 barrels of oil daily. The price went down to \$4.00 per barrel, but the wild dance went on and the excitement increased. Stock companies were formed in every large city in the United States to follow the success that had visited the Garden City Company of Chicago, and all sorts of land was purchased before trying it out for oil. Staid business men, clerks, bookkeepers, mechanics, physicians, clergymen and lawyers invested in oil stocks, and the hard earned savings of laboring men and women were withdrawn from savings banks and shares from one to five were purchased through hundreds of brokers claiming to have close relationship to the powers that ruled Pithole.

The *Pithole Record* made its appearance in September, 1865, and from that issue the successive numbers gave some information as to the business done in the oil metropolis. Five saloons

and restaurants, thirteen hotels, of which the largest was the Danforth, costing \$70,000, two express companies, two banks and two rival telegraph offices, with innumerable iron workers busy in building oil tanks, and the usual business places incident to so miscellaneous a population, made up the business portion of the place. The three last months of the year 1865 saw dispatched through the post office, 160,000 letters, with quite as many received. The *Record* from its first issue, September 25, 1865, up to February, 1866, published 20,000 advertised letters, one-third of which went to the dead letter office in Washington.

The nearest railroad station was at Miller's Farm, four miles distant. Teamsters charged \$100 for transporting a small engine from the railway station to the new city, and \$15 per ton to carry a half-ton of coal, while a trunk cost the owner \$10 delivered at the hotel. Some of the original land owners remained poor through either ignorance or avarice, or an inordinate love of home, not realizing the value of money when its possession would deprive them of a place to live in. One of the last class refused \$400,000 for his 200 acre farm. Another farmer with 250 acres refused \$750,000, stating that a round million was his price, and the New York investor went back home with his money and escaped the doom of Pithole. These two farms remained "plain farms," as repeated tests found no paying oil.

The story is told of a canny Scotchman who came to Pithole to make a fortune, made it and then quit, carrying his money with him to old Scotland, where he ended his days in comfort. When he died, many years after, his will contained a bequest "to be used in purchasing a bell and a pulpit Bible for the Pithole church." The Pithole church had been built by the Swordsmen's Club, an organization pledged to "keep the fun going" one of its freaks being the building of a Methodist church, which was unfinished when the great exodus occurred, probably never had a finished steeple in which to hang a bell, or desk on which to place a Bible. With no church standing, no church society ready to receive the gift, and no congregation to pass a vote of thanks, the legacy was necessarily returned to the heirs of the well meaning, pious Scotchman.

History of the Mormon Church

BY BRIGHAM H. ROBERTS, Assistant Historian of the Church.

CHAPTER XC

THE UTAH WAR: THE CAMPAIGN

The day following the departure of Captain Van Vliet Governor Young determined upon a definite course of action in harmony with his representations to Captain Van Vliet, and issued the following proclamation bearing date of September 15th, 1857.

PROCLAMATION

BY THE GOVERNOR

Citizens of Utah:

“We are invaded by a hostile force who are evidently assailing us to accomplish our overthrow and destruction.

For the last twenty-five years we have trusted officials of the Government, from Constables and Justices, to Judges, Governors and Presidents, only to be scorned, held in derision, insulted and betrayed. Our houses have been plundered and then burned, our fields laid waste, our principle men butchered while under the pledged faith of the government for their safety, and our families driven from their homes to find that shelter in the barren wilderness and that protection among hostile savages, which were denied them in the boasted abodes of Christianity and civilization.

The Constitution of our common country guarantees unto us all that we do now, or have ever claimed. If the Constitutional rights which pertain unto us as American citizens were extended

to Utah, according to the spirit and meaning thereof, and fairly and impartially administered, it is all that we could ask, all that we have ever asked.

Our opponents have availed themselves of prejudice existing against us because of our religious faith, to send out a formidable host to accomplish our destruction. We have had no privilege, no opportunity of defending ourselves from the false, foul, and unjust aspersions against us before the nation. The government has not condescended to cause an investigating committee or other persons to be sent to inquire into and ascertain the truth, as is customary in such cases.

We know those aspersions to be false, but that avails us nothing. We are condemned unheard and forced to an issue with an armed, mercenary mob, which has been sent against us at the instigation of anonymous letter writers ashamed to father the base, slanderous falsehoods which they have given to the public; of corrupt officials who have brought false accusations against us to screen themselves in their own infamy; and of hireling priests and howling editors who prostitute the truth for filthy lucre's sake.

The issue which has been thus forced upon us compels us to resort to the great first law of self-preservation and stand in our own defense, a right guaranteed unto us by the genius of the institutions of our country, and upon which the government is based.

Our duty to ourselves, to our families, requires us not to tamely submit to be driven and slain, without an attempt to preserve ourselves. Our duty to our country, our holy religion, our God, to freedom and liberty, requires that we should not quietly stand still and see those fetters forging around, which are calculated to enslave and bring us in subjection to an unlawful military despotism such as can only emanate (in a country of constitutional law) from usurpation, tyranny and oppression.

Therefore, I, Brigham Young, Governor and Superintendent of Indian Affairs for the Territory of Utah, in the name of the People of the United States in the Territory of Utah,

1st—Forbid all armed forces, of every description, from coming into this Territory under any pretense whatever.

2d—That all the forces in said Territory hold themselves in readiness to march, at a moments notice, to repel any and all such invasion.

3d—Martial law is hereby declared to exist in this Territory, from and after the publication of this Proclamation; and no person shall be allowed to pass or repass into, or through, or from this Territory, without a permit from the proper officer.

Given under my hand and seal at Great Salt Lake City, Territory of Utah, this fifteenth day of September, A. D., Eighteen Hundred and Fifty-seven, and of the Independence of the United States of America the eighty-second.

(Signed)

BRIGHAM YOUNG.'''¹

Following this Proclamation companies of the Territorial militia aggregating twelve hundred and fifty men were ordered to report at Echo Canon to maintain it by force of arms. On Sunday, September 27th,² Daniel H. Wells, lieutenant general of the army, with some members of his staff, and with Elders John Taylor and Geo. A. Smith, added as "counselors" left Salt Lake City for the field of probable conflict. Before starting these brethren were each set apart by the solemn imposition of hands and blessing by the Presidency of the Church. To their conception it was a sacred mission—this going to the battlefield in defense of their people; one upon which the divine blessing could appropriately be invoked, and holy consecration to the service made.

Arriving at Echo Canon—the western mouth, distant from Salt Lake City about forty miles,³ as the road then ran—General Wells placed the militia men who had arrived at the rendezvous under direction of Colonels N. V. Jones and J. D. T. McAllister, with orders to construct such fortifications and breastworks as they might be able to make at the "Narrows" in Echo Canon, and on the heights along the whole length of this mountain gorge.⁴

1. House Ex. Doc. 35th Congress, 1st Sess., x No. 71, pp. 34, 35.

2. Some Histories of these events give the 29th as the date of Gen. Wells' departure—see Tullidge, also J. F. Wells in "Echo Canon War," *Contributor et al.* Woodruff's Journal gives the 27th as the date of departure and one p. m. as the time. With this Hist. Brigham Young, *Ms.*, agrees, see entry for 27th Sept., 1857, p. 565-6.

3. L. D. S. Emigrant Guide, Wm. Clayton, p. 19.

4. "The Narrows" are about four miles from the mouth of the canon, and constitute a defile where both sides of the canon become perpendicular. Else where along the canon the perpendicularity is chiefly characteristic of the northern side only, where the height of the buttresses vary from 300 to 500 feet. They are denuded and water-washed by the storms that break upon them, carried by southerly prevailing winds. "Their strata here," (at the Narrows) says Captain Burton,

General Wells himself with a small escort pushed on to Fort Bridger, where on the 30th he met with Col. R. T. Burton and Lewis Robison and from them received reports concerning the movements, the present location, and probable intentions of the Expedition. The United States forces under Col. Alexander were now on Ham's Fork, about fifteen miles above its junction with Black's Fork, in turn a tributary,—flowing southeasterly—of Green river. His encampment the Colonel had named "Camp Winfield," in honor of General Winfield Scott. The first divisions of the Expedition had been making hurried marches since crossing Green river, partly to satisfy the ardor of the officers and men of the 10th regiment, impatient to reach Salt Lake valley, as per their expressed determination to do so to Captain Van Vliet, and partly to protect several advanced supply trains which had been encamped, practically unguarded for some weeks, on Ham's Fork.

From his camp at Fort Bridger Gen. Wells forwarded to Col. Alexander two copies of Governor Young's Proclamation, a copy of the laws of Utah and a letter from Governor Young addressed to "*The officer commanding the forces now invading Utah Territory.*" No summary would do the document justice, hence it is given here in full:

GOVERNOR'S OFFICE, UTAH TERRITORY,
GREAT SALT LAKE CITY,
September 29, 1857.

"SIR:—By reference to the act of Congress passed September 9, 1850, organizing the Territory of Utah, published in the Laws of Utah, herewith forwarded, pp. 146-7, you will find the following:

"'Sec. 2. *And be it further enacted*, That the executive power and authority in and over said Territory of Utah shall be vested in a governor, who shall hold his office for four years,

"are almost horizontal, they are inclined at an angle of forty-five degrees, and the strike is northeast and southwest. The opposite or southern flank being protected from the dashing and weathering rain and wind is a mass of rounded soil-clad hills, or sloping slabs of rock, earth-veiled, and growing tussocks of grass." ("City of the Saints," p. 184). Captain Burton did not think well of the strategic importance of the "Narrows," or of the whole canon. *Id.* Subsequently fortifications were made along East Canon Creek. Col. N. V. Jones with a force of 344 men went on to East Canon Creek to throw up breastworks and other obstructions to the enemy, leaving Johnathan Pugmire in command at the mouth of Echo. Hist. Brigham Young, *Ms.*, entry Oct. 24th, 1857, p. 741.

and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The governor shall reside within said Territory, shall be commander-in-chief of the militia thereof,' etc., etc.

"I am still the Governor and Superintendent of Indian affairs for this Territory, no successor having been appointed and qualified, as provided by law; nor have I been removed by the President of the United States.

"By virtue of the authority thus vested in me, I have issued, and forwarded you a copy of my proclamation forbidding the entrance of armed forces into this Territory. This you have disregarded. I now further direct that you retire forthwith from the Territory, by the same route you entered. Should you deem this impracticable, and prefer to remain until spring in the vicinity of your present encampment, Black's Fork, or Green River, you can do so in peace and unmolested, on condition that you deposit your arms and ammunition with Lewis Robison quartermaster general of the Territory, and leave in the spring, as soon as the condition of the roads will permit you to march; and should you fall short of provisions, they can be furnished you, upon making the proper applications therefor. General D. H. Wells will forward this, and receive any communication you may have to make.

Very respectfully,

(Signed)

BRIGHAM YOUNG,

"Governor and Superintendent of Indian Affairs,
Utah Territory."''

Gen. Wells' letter accompanying these documents informed the "Commander of the forces then invading Utah," that he was on the ground to "aid in carrying out the instructions of Governor Young." In closing he said: "Trusting that your answer and actions will be dedicated by a proper respect for the rights and liberties of American citizens, I remain, etc."

These papers were entrusted for deliverance to General Robison and Major Lot Smith, who sent them from a short distance outside of Camp Winfield—as they were permitted to do by their instructions—by the hand of a Mexican mountaineer named Marrienne.⁶ The Colonel gave the only

5. House Ex. Doc. 35th Cong., 1st Sess., x No. 71, p. 33.

6. Journal of Geo. A. Smith during his presence at the front, from the 30th of September to the 24th of October, 1857. It occupies *Ms. Hist. of Brigham Young* from p. 709 to p. 742.

answer possible for him to make to Governor Young's demands. He acknowledged receipt of the several communications; announced himself the present senior commanding officer of the U. S. troops at his encampment; he would submit the communications to the General commanding as soon as he arrived. It was also announced that the troops at Camp Winfield were there by the orders of the President of the United States; and that their future movements would depend upon "orders issued by competent authority," among whom, of course, the Governor of Utah was not recognized.

The issue for the campaign was now joined. It was for the commander of the Utah militia to take the initiative if the "war" between the United States and Utah was to eventuate in action. Immediate developments will disclose that there was no hesitancy on the part of Gen. Wells. Of course, from the first, when resistance was determined upon it was not the intention to engage in pitched battles with the regular troops of the United States. The necessity for the Utah people conserving all their forces for what might be a prolonged war, the final destruction of their settlements in Utah, and flight into the mountains, and perhaps southward into Mexico, made necessary and justified the Fabian method determined upon and followed.

The answer of Col. Alexander to the several communications sent to him by Gen. Wells was received in the latter's encampment at Fort Bridger on the evening of the 2nd of October, and forwarded by express to Governor Young. "The letters were as respectful as could be anticipated," writes the chronicle followed in this part of the campaign; "but did not comply with the Governor's request, nor did it alter any of our arrangements." A council of war was held by the Nauvoo Legion officers at Fort Bridger on the afternoon of the 3rd of October.⁷ It was decided in the council to begin active operations against the Expedition. Major McAllister was on the Oregon road watching the movement of the troops from that point; O. P.

7. Journal of Geo. A. Smith entry for 2nd Oct. Copied in Hist. Brigham Young, *Ms.* entry for Oct. 1857, p. 714.

8. There were present Gen. D. H. Wells, his ecclesiastical advisors Elder John Taylor and Geo. A. Smith; also, Generals Ferguson, H. B. Clawson, Lewis Robison, Cols. R. F. Burton, Bryant Stringham; O. P. Rockwell, and Captain Judson Stoddard. Geo. A. Smith's journal in Hist. of Brigham Young, Oct. 1857, p. 715.

Rockwell was sent to his assistance and with orders to burn the grass on all routes to Salt Lake valley, beginning with the road *via* Soda Springs. Col. Burton whose command was then encamped at Fort Supply was to break encampment and co-operate in these maneuvers, annoying the Expedition "all that lays in his power without risking his men."⁹

As Fort Bridger and adjacent Fort Supply, on Smith's Fork, would in all probability fall into the hands of the regular troops, and would be available for winter quarters for the Expedition, after caching the grain that had been raised there, and other property that could not be taken away, Fort Bridger was burned on the 3rd of October, quartermaster general of the Territory, Lewis Robison, applying the torch.¹⁰ "It burned very rapidly and made a great fire." The property destroyed amounted to about \$2,000. Two or three days later Fort Supply was burned, by the Utah militia. The mills, buildings and other property destroyed were estimated at a value of \$50,000.¹¹ Great activity was manifested by the several militia commands in firing the grass, running off and stampeding the stock on every possible occasion; but at first raid upon the stock was attended with no very great success, as the herds were thoroughly guarded.

This was the inauguration of that policy of defensive warfare which had been determined upon, and which is best expressed in orders and instructions to the colonels, majors and captains leading the various separate commands operating in the field; and because it fell into the hands of U. S. Army officers and was reported to the administration at Washington by Fitz J. Porter, Assistant Adjutant General to Col. Johnston, I here reproduce the letter of instruction found upon the person of Major Joseph Taylor, of Weber county, when he was captured early in October. Taylor was commander of one hundred men, but was captured by a squad of Captain Marcy's troops, while with his adjutant, W. R. Stowell, and three others, he was temporarily separated from his command. Following is the letter of instructions found upon his person:

9. Ibid, 715-716.

10. Ibid, p. 717.

11. Ibid, p. 720.

HEADQUARTERS EASTERN EXPEDITION,
CAMP NEAR CACHE CAVE,
Oct. 4, 1857.

"You will proceed, with all possible dispatch, without injuring your animals, to the Oregon road, near the bend of Bear river, north by east of this place. Take close and correct observation of the country on your route. When you approach the road, send scouts ahead, to ascertain if the invading troops have passed that way. Should they have passed, take a concealed route, and get ahead of them. Express to Colonel Burton, who is now on that road and in the vicinity of the troops, proceed at once to annoy them in every possible way. Use every exertion to stampede their animals and set fire to their trains. Burn the whole country before them, and on their flanks. Keep them from sleeping by night surprises; blockade the road by felling trees or destroying the river fords where you can. Watch for opportunities to set fire to the grass before them that can be burned. Keep your men concealed as much as possible, and guard against surprise. Keep scouts out at all times, and communications open with Colonel Burton, Major McAllister and O. P. Rockwell, who are operating in the same way. Keep me advised daily of your movements, and every step the troops take, and in which direction.

"God bless you, and give you success.

"Your brother in Christ,

DANIEL H. WELLS.

"P. S.—If the troops have not passed, or have turned in this direction, follow in their rear, and continue to annoy them, burning any trains they may leave. *Take no life, but destroy their trains, and stampede or drive away their animals, at every opportunity.*

"Major Joseph Taylor.

D. H. WELLS."¹²

12. This order was of course turned over to the proper officers of the expedition, and was indorsed as follows:

"Headquarters Army of Utah,
Black's Fork, 16 miles from Fort Bridger,
En route to Salt Lake City, November 7, 1857.

"A true copy of instructions in the possession of Major Joseph Taylor, when captured.

"F. J. PORTER,
Assistant Adjutant General."

House Ex. Doc. 35th Cong., 1st Sess., x No. 71, pp. 56, 57.

Linn quotes the body of this order, but omits the postscript with its important instruction, "*Take no life.*" A letter bearing date of Sept. 14, 1857, addressed to Wm. H. Dame, Parowan, and signed by D. H. Wells and Brigham Young, outlines practically the same plan of campaign, for southern captains of commands, but emphasizes the intention to shed no blood, if that can be avoided. "*Save life*

General Wells, meantime had visited the several militia camps in Echo Canon and inspected their fortifications.

While yet at Bridger, October 3rd, General Wells ordered Major Lot Smith to take a small company of men and intercept the supply trains then advancing from South Pass and either turn them back or *burn* them.¹³ Accordingly with a command of forty-four men, rank and file, among whom were Captain Horton D. Haight, and Thomas Abbott and John Vance, officers, he started upon his mission.

The command rode eastward all night, and early the next morning came in sight of an ox train headed westward. This was in charge of a Captain Rankin. Major Smith informed him that he must turn his train and "go the other way, until he reached the states." When the train Captain inquired by what authority such orders were issued, Major Smith pointed to his men saying there was part of it, the rest was concealed in the bush. Rankin swore roundly at the orders, but nevertheless turned his train eastward. As soon as Major Smith's company was out of sight, however, he would turn again to the west. Some U. S. troops met him that day, and taking out his lading left the wagons and teams standing. This near Green river, and that night Major Smith camped in close proximity to these troops.

Having had but partial success with Rankin's train Major Smith determined upon bolder measures. Though his command was small, he divided it; sending Captain Haight with nineteen men "to see if he could get the mules of the 10th regiment on any terms." With the remaining twenty-three men

always if it is possible—we do not wish to shed one drop of blood if it can be avoided. This course will give us great influence abroad." The letter *in extenso* is published in Introduction to Lee's "Mormonism Unveiled," pp. 18, 19. Evidently on the part of the "Mormons" the campaign was to be bloodless.

13. It will give the psychological atmosphere of the Mormon militia camps if the manner in which this order was given and received is related in Major Smith's own language: "I was invited to take dinner with the commanding general and his aids. During the meal, General Wells, looking at me as straight as possible, asked if I could take a few men and turn back the trains that were on the road or *burn* them. I replied that I thought I could do just what he told me to. The answer appeared to please him, and he accepted it, telling me that he could furnish only a few men, but that they would be sufficient, for they would appear many more to our enemies. As for provisions, none would be supplied, as we were expected to board at the expense of Uncle Sam. As this seemed to be an open order, I did not complain." Major Lot Smith's Narrative, *Contributor*, Vol. III, p. 272.

he started for Sandy Fork to intercept trains approaching from the direction of South Pass. When he had reached Big Sandy, a stream from the northeast, tributary to Green river, his scouts reported to him a train of "twenty-six large freight wagons on the old Mormon trail." He resolved on destroying this train and rode back fourteen miles for that purpose. Arriving near the trains he discovered that the camp was very much awake, the teamsters drinking. Knowing the likelihood of men under the influence of liquor to be quarrelsome and ready to fight, Major Smith kept his command in ambush, meanwhile sending scouts to "ascertain the exact number and position of the wagons. Twenty-six wagons, in two lines, a short distance apart," was the scout's report. When Smith's command rode into the camp its leader discovered he had misunderstood his scout's report; for instead of twenty-six wagons in two lines a short distance apart, there were two lines a short distance apart with twenty-six wagons in each. Glancing over his shoulder as he rode into the camp-fire light he discovered that his men apparently stretched out indefinitely, and trusting to the camp's being deceived by this false appearance of numbers he proceeded with his enterprise notwithstanding the odds against him.

Calling for the commander, a Mr. Dawson answered, to whom Major Smith explained his intention of burning the train, but informed him that the men might take from the wagons their private property if they would do so quickly. "For God's sake," said Captain Dawson, "don't burn the trains!" "It is for his sake that I am going to burn them," replied Major Smith.

Without more ado the camp was disarmed, the arms stacked and the men put under guard. In the midst of these proceedings a messenger rode into camp from Col. Alexander. His message was for Captain Rankin, and verbal. Major Smith insisted upon its being delivered in his presence, and intimated to the courier that if he lied in repeating it his life would be forfeited. The message from Col. Alexander notified the train Captain that "the Mormons were in the field; that the captain and teamsters must not go to sleep; but keep night guard

on their trains; and that four companies of cavalry and two pieces of artillery would come over in the morning to escort them to camp."¹⁴

While Smith's command was burning the first train a guard from the second came up to see what was going on. He was ordered to give no alarm. Shortly afterwards, and taking captain Dawson with him to the second train, Major Smith proceeded to set fire to it. Then ordering the train men to make no attempt to put out the fires he rode away leaving both trains ablaze.¹⁵ Fifty-one wagons and their contents were completely destroyed in this first burning.

Major Smith's command went to the bluffs of Green river, from which point its leaders sent a single courier to report their success to Gen. Wells. After allowing his men a night's rest, Major Smith sallied forth again and met a supply train at a point on the Big Sandy, since known as "Simpson's Hollow." There were twenty-five wagons in this third train, and allowing the teamsters and captain Simpson to load up two of the wagons with provisions and clothing for their personal use, the rest of the train was burned.¹⁶

14. Lot Smith's narrative in "Echo Canon War"—Wells—*Contributor*, Vol. III, p. 273. This courier from Alexander was very much frightened, and he stated afterwards that he expected every minute to be killed when he found he had fallen into the hands of the Mormons. As it was he pleaded vigorously for his life, and Major Smith with grim humor told him that "soldiers' lives were not worth much, it was only the 'bull-whackers' (i. e. teamsters) that could hope to get off easily." *Id.*

15. Major Smith asked Dawson if there was any powder in the wagons. After consulting his bills of laden Dawson replied that there was large quantities of saltpetre and sulphur, and this was nearly as dangerous as powder. This in the hope, doubtless, of discouraging any further burning of the wagons. Smith told the captain he would take no chances with his own men and intimated that he would call upon him to set fire to the remaining wagons. Whereupon Dawson begged piteously not to be forced to set fire to the wagons—"He had been sick, was not well yet, and did not want to be hurt." Major Smith excused him and selected a character known as 'Big James,' an Irishman, instead, "he not being afraid of saltpetre or sulphur either," says Smith's narrative, and "I thought it was proper for the Gentiles to spoil the Gentiles." Smith himself, however, seized a torch and accompanied "Big James" in the destructive work. "Echo Canon War," *Contributor*, Vol. III, p. 273-4.

16. The capture and burning of this third train was attended with dramatic circumstances. When Major Smith came up to the train and asked for the train master he was informed that the "Captain" was out after cattle. After disarming the teamster the major rode out and met the Captain, whose name was Simpson, about half a mile from the train. "I told him," says Smith's narrative, "that I came on business. He inquired the nature of it, when I demanded his pistols. He replied: 'By G—d, sir, no man ever took them yet, and if you think you can, without killing me, try it.' We were all the time riding towards the train, with our

The amount of property destroyed in burning these seventy-four wagons was considerable, and appears in detail in Commissary Clark's report in the House Documents of the 35th Congress.¹⁷ The action of Major Smith received high commendation from General Wells, and he was urged to continue his attacks upon the trains; to keep the enemy under arms by night surprises and thus wear them out. "May the Lord God of Israel

noses about as close together as two Scotch terriers would have held theirs—his eyes flashing fire; I couldn't see mine—I told him that I admired a brave man, but that I did not like blood—you insist on my killing you, which will only take a minute, but I don't want to do it. We had by this time reached the train. He, seeing that his men were under guard, surrendered, saying: 'I see you have me at a disadvantage my men being disarmed.' I replied that I didn't need the advantage, and asked him what he would do if we should give them their arms. 'I'll fight you!' 'Then,' said I, 'We know something about that too—take up your arms!' His men exclaimed, 'Not by a D—n sight! We came out here to whack bulls, not to fight.' 'What do you say to that, Simpson?' I asked. 'Damnation,' he replied, grinding his teeth in the most violent manner, "If I had been here before and they had refused to fight, I would have killed every man of them."

"Captain Simpson was the bravest man I met during the campaign. He was a son-in-law of Mr. Majors, a large contractor for government freighting. He was terribly exercised over the capture of his train, and wanted to know what kind of a report he could make to the commander, and what he could do with his crowd of cowardly teamsters left on the plains to starve. I told him that I would give him a wagon loaded with provisions. You will give men two, I know it by your looks!' I told them to hurry up and get their things out, and take their two wagons for we wanted to go on. Simpson begged me not to burn the train while he was in sight, and said that it would ruin his reputation as a wagon master. I told him not to be squeamish, that the trains burned very nicely, I had seen them before, and that we hadn't time to be ceremonious. We then supplied ourselves with provisions, set the wagons afire, and rode on about two miles from the stream to rest." Lot Smith's narrative, *Contributor*, Vol. IV, pp. 27, 28.

17. List of subsistence stores in supply trains (Russell and Waddell's) Nos. 5, 9 and 10, burned by the Mormons at Green River, Utah, on the night of October 4, 1857:

	No. of Rations.
2,720 pounds ham.	
92,700 pounds bacon	115,875
167,900 pounds flour	149,244
270 bushels beans	108,000
8,580 pounds Rio coffee	143,000
330 pounds java coffee.	
1,400 pounds crushed sugar.	
2,970 gallons vinegar	297,000
800 pounds sperm candles	80,000
13,333 pounds soap	333,325
84 gallons of molasses.	
134 bushels dried peaches.	
68,832 ration dessicated vegetables.	
705 pounds tea	52,875
7,781 pounds hard bread	7,781

H. F. CLARKE,
Capt. and C. S. U. S. A.

Made from bills of lading, October 10, 1857.

(House Ex. Doc. 35th Congress, 1st Sess., No. 71, p. 63.)

bless you," said Gen. Wells' letter, and "help you to hedge up the way of our ennies and cause them to leave the territory."¹⁸

While camped a short distance from the scene of this latest exploit, for a much needed rest, a most painful accident occurred in Major Smith's command. The accidental discharge of an old U. S. Yauger musket passed a heavy ball through Orson P. Arnold's thigh, breaking the bone in a frightful manner. The accident entailed upon the sympathetic command the task of carrying their wounded comrade a distance of thirty miles on foot, in an improvised litter of poles and blankets.¹⁹

18. The letter at length is published in "Echo Canon War," *Contributor*, Vol. IV, p. 48. The closing sentence of the letter says—"If we could learn of a surety that they [the enemy] proposed making winter quarters at Fort Hall, we would cease molesting them." *Id.*

19. The incident and its connections illustrates the character of this command of mountainenmen and their leader. The command was in eminent danger of being attacked while engaged in their last train-burning adventure, as troops, some of whom were mounted, were not far distant. When young Arnold fell with his wounded leg under him the jagged points of the broken bones struck through the flesh of the terrible wound, and it would seem that he would bleed to death in a few minutes. "We laid our hands upon him," says Major Lot Smith, "according to the order of the Church, and asked our Father to preserve him for we knew that we could not." The first words young Arnold spoke were—"I shall always be a cripple, and will never be able to fight soldiers again." He was carried to Green river where he was left in the care of mountaineers until a wagon could be sent for him to take him to Salt Lake City. He was always lame, but led an active and useful business life, and lived until the spring of 1913. While the litter was being constructed—the poles had to be obtained from a distance—and the bone was being rudely set, the picket guard came running to camp with the word that two hundred cavalry men were close upon the command. Consternation followed. One man moved that the command surrender. "I will say when to do that," sternly said Major Smith. Another proposed that they "run"—"I will kill the man that made that motion myself if he dare to try it." Then Major Smith made his first "war speech." He reminded his men that they were not there of their own choice or on their own business. "Our people and their rights are being assailed," he said. "It is the Lord's work that we are engaged in; and we are called by him to protect our homes and our religion. If he suffers those troops to come near us, we will trust in him and whip them, no matter about their number." This restored the morale of the command. No troops appeared.

At Green river another report was brought in that troops were close at hand, and Major Smith sent out scouts to locate them definitely; himself the meanwhile climbing a tree for a better outlook over the river bottom. Very soon a scout ran back to the grove where the command was resting, to report that two soldiers were chasing two of the command. Acting instinctively Major Smith dropped from the tree and seizing a gun started in the direction of the "chase" and the "flight," the whole command at his heels. Then suddenly the Major stopped short. "Did you say that *two* of our men were being chased by *two* soldiers," he inquired of the scout who brought the report. "Yes," said the scout. "Then I hope they will catch them; for I don't want any two men that any other two can chase." And with that all returned to the grove. It happened that the two men being "chased" were meeting two friends from Captain Haight's command, which shortly afterwards joined Smith's. (See Lot Smith's narrative *Contributor*, Vol. IV, pp. 27-29.)

No more wagon trains came in Major Smith's way²⁰ and he had to content himself thereafter with raids upon cattle herds of the Utah Expedition in which he was as eminently successful as in destroying trains; nearly 1,000 head of cattle being sent into Salt Lake Valley from his successive raids.

On one occasion Major Smith came nearly being captured by Captain Marcy, who was sent out to take him. Having his command increased to nearly one hundred men the major was not disposed to avoid encounter with United States troops; and this led him to follow the trail of Captain Marcy's command, when he found it leading away from the Expedition's main line of march. The Major's intention was to run off the mules on which Marcy's men were mounted. With part of his men he had followed Marcy's troops through a pre-day light march, and suddenly came close upon them in the very early morning. "When they saw us right at their heels," says Smith's narrative, "there was some lively scampering for a few moments." The two commands were but forty rods apart, when captain Marcy had drawn up his men in line. Major Smith rode forward alone and was met by the captain within twenty spaces of the latter's line. Captain Marcy introduced himself, at the same time saying he supposed he was addressing "Captain Smith." The answer was an affirmative. He then said that the forces he commanded were U. S. troops and asked Major Smith what armed force it was he commanded. "We are from Utah," was the answer. "What is your business out here," inquired Marcy. "Watching you," was the prompt reply. "What is your business?" asked the Utah leader. Marcy rather evasively said he was looking out a way into Utah. "Non-sense," said Major Smith, "you have left the main road to the valley long ago. It passes through Echo Canon.

20. Governor Young expressed himself as being of the opinion that it was just as well that no more trains were destroyed, else the Saints might have been under the embarrassing responsibility of sending supplies to the troops in their Winter Quarters "to keep them from starving." "Echo Canon War." *Contributor*, Vol. IV, p. 48. The trains destroyed as may be seen from their bills of lading (note 17) were chiefly provision trains; while three other trains immediately following were laden with the tents and all the clothing, though of poor assortment for the rigors of a mountain winter, see Quartermaster Dickenson's Report, dated Camp Scott, Nov. 29, 1857. Also Bancroft's Hist., Utah, pp. 521-2.

I have been that way myself many a time." This was sneeringly said at which, however, Captain Marcy only smiled.²¹

Captain Marcy, near the close of the interview, expressed regret for the existing Utah difficulties, and said that the officers of the Expedition did not want to come to blows with the people of Utah. "I told him," says Major Smith, "that the administration seemed to want them to, and that there coming here put us in the position of a man holding off the hand that clutched a knife with which to cut his throat. We had a good hold on that arm raised against us, and would keep it." The Captain mentioned letters of introduction he held to gentlemen in Salt Lake City, one among others to Elder John Taylor recently of New York. The major banteringly suggested that he *send* them in, as the captain would not be able to go in himself that winter. Marcy still having the advantage of good temper over the major, politely asked the latter if he would not take them in for him; to which Major Smith could only say that the probabilities were that he would not go to Salt Lake either that winter. Observing that time was passing Major Smith broke off the conversation and rode obliquely towards the line of Marcy's men, the captain followed. Smith's men, at a signal from him, skirted around to the right, and together, leader and men rode off to find the other part of their company left in charge of their packs. While getting into marching order they were nearly surrounded by Marcy's force and only escaped by making a bold dash through Ham's Fork, near which the other part of the command had halted. Just as they were all safely out of the river, Marcy's cavalry came dashing up and commanded them to halt. Smith's command shouted back their compliments, "more expressive than elegant," writes Major Smith, "as we leisurely rode up the hill." From the hillside among out-jutting rocks overlooking the stream and its valley, Smith's command watched their enemies on the other side of the river.

21. "It was the only expression except the utmost coolness and civility I got out of him that morning," said Major Smith years later, when narrating his experiences, "and I afterwards regretted the rough manner I assumed towards him, for he remained perfectly calm, and was very gentlemanly during the whole of our interview." (Major Lot Smith's Narrative, "Echo Canon War," *Contributor*, Vol. IV, p. 168).

Meanwhile from another direction, a troop of horsemen rode in upon them and got within short range, just as the Utah men discovered their presence. Dismounting the troops fired about forty shots among Smith's command. The haste was evidently so great and the range so short, however, that the shots for the most part hurtled harmlessly over their heads, the only effect of the fusillade being the hitting of two horses, one of which, a gray, fell near Major Smith. For a moment the troops must have thought they had brought him down, as they raised an exultant shout when the horse fell.

Smith's command retired safely, a dozen picked men lingering in the rear of the main company, with Major Smith to engage the troops who had fired upon them if they left the hillside to follow up their attack. The attacking party did not come down, however, and the small rear guard of Smith's command soon followed their comrades towards the charred ruins of what had been Fort Supply.²²

These details are worthy of a place in the body of this history as they tell of the only shots fired in the "Utah War."

Meantime matters grew more perplexing for the division of the Expedition on Ham's Fork. Col. Alexander was in a most embarrassing situation. Without definite instructions from the war department as to the purpose of the Expedition; without communication with Col. Johnston, the officer in command; much of the range destroyed by the grass being burned; the presence of a seemingly ubiquitous and evasive foe, of whose numbers and effective strength he could form no definite judgment;²³ with the rigors of a mountain winter already threaten him and no suitable winter quarters in view—all these things combined created a very great embarrassment for the Colonel.

22. Major Lot Smith's Narrative, "Echo Canon War," *Contributor*, Vol. IV, pp. 167-9; and 224.

23. It was part of the policy of the campaign on the part of the Mormons to keep the U. S. officers and troops mystified as to the numerical strength and effectiveness of their forces. When Major Taylor was examined before Col. Alexander, shortly after he was captured, answering the question "what is the strength of the Mormon troops?" he answered: "from 20,000 to 25,000 warriors." "At this broad statement," says the Major's narrative, "he [Alexander] stood aghast." (*Journal of Major Joseph Taylor in Hist. of Brigham Young, Ms.*, pp. 611, 612. Adjutant Stowell, examined separately, answered to the same effect as to numbers—from 25,000 to 30,000, "with quite an amount of artillery." *Ibid.*, p. 679.

In the midst of the perplexities a council of officers was called and three places for winter quarters discussed; the east side of Wind River Mountains to the northeast; Henry's Fork of Green river, and Brown's Hole; the vicinity of Fort Hall, on Beaver Head Mountain, one hundred and forty miles distant from Fort Bridger. This last place was the one decided upon for winter quarters and the movement up Ham's Fork in that direction began on the 11th of October.²⁴ The movement was necessarily very slow, the draught animals being so weakened that three miles a day marked the utmost capacity of forward movement, and the vanguard of the train would be seen going into camp before the rear guard had left its camp of the previous day. A week's effort brought them but a short distance on the way towards Fort Hall. Snow storms had begun, and while at first not heavy in the open plains, the mountain passes and canons were being filled and rendered more difficult of passage.

Under these circumstances a second council of officers was held that was not altogether harmonious. Some were in favor of attempting to make forced marches into Salt Lake Valley, at all hazards; but it was finally determined to return down Ham's Fork to the point of its juncture with Black's Fork. Just as this decision was reached word was received from the commanding officer, Col. Johnston, who had arrived at South Pass. He ordered Col. Alexander to make his way to Fontenelle Creek, a tributary of Green river, and thirty miles directly north of the point Alexander had reached on Ham's Fork,

24. What Col. Alexander hoped to achieve by this detour is set forth in the following passage in his report to Col. S. Cooper, Adjutant Gen., U. S. A.:

"After much deliberation, and assisted by the counsel of the senior officers, I have determined to move the troops by the following route: Up Ham's Fork about 18 miles to a road called Sublette's Cut-off; along that road to Bear river, and Soda Spring. On arriving at Soda Spring two routes will be open, one down Bear river valley towards Salt Lake, and one to the northeast towards the Wind river mountains, where good valleys for wintering the troops and stock can be found. The adoption of one of these will be decided by the following circumstances: If the force under my command is sufficient to overcome the resistance which I expect to meet at Soda Spring, I shall endeavor to force my way into the valley of Bear river and occupy some of the Mormon villages, because I am under the impression that the Mormons, after a defeat, will be willing to treat and bring provisions for sale. The supplies on hand will last six months, and if I can get possession of a town in Bear river valley, I can easily fortify and hold it all the winter." House Ex. Doc. 35th Cong., 1st Sess., x No. 71, p. 31.

where it was reported that pasturage was abundant. Before a start could be made for the new location, however, a second order from Johnston directed that Alexander make a return march down Ham's Fork to three miles below the juncture of that stream with Black's Fork and there the commanding officer would join him.²⁵

The return march was slower, and more disastrous for Col. Alexander's division of the Expedition than the movement up the stream had been, since the snow storms were more frequent, the cold more intense, the progress slower, and attended with greater mortality to his draft animals.

With the advent of the early winter snows great relief was felt among the Utah forces. Several commands were released from the camps in the mountains and permitted to go to Salt Lake valley to recruit and obtain fresh supplies of food and clothing, but to remain in locations from which they could be called at an hour's notice to take the field if occasion arose. General Wells himself and the greater part of his staff, together with his counselors, Elders John Taylor and Geo. A. Smith, returned to Salt Lake City, leaving the camps in Echo Canon and the squads of men watching and reporting the movement of the troops on Ham's Fork, under the direction of Major General Geo. D. Grant and Col. R. T. Burton.²⁶

As may be supposed on the arrival of General Wells and his counselors in Salt Lake City very interesting and frequent consultations were had in which the present "war" situation was thoroughly considered. President Young appreciated the advantages that arose from the fact that he had received no official notice that he was superceded as Governor of Utah by the appointment of his successor; and had no official notification of the coming of the U. S. troops. "I mean to send word to the United States," he said in one of the above named consultations, "that if they have sent troops here, the cattle which we have taken I will give them credit for upon compound interest. But I do not *know* that they have sent any; they have not notified me,

25. For Col. Johnston's first order see House Ex. Doc. 35th Cong., 1st Sess., x No. 71, pp. 38-40; and for the 2nd order *Id.*, p. 46.

26. Hist. Brigham Young, *Ms.*, Oct., 1857, p. 742.

officially, anything about it, and I have no right to know anything about it, but shall treat them as a mob.”²⁷

At a subsequent meeting with the Twelve, Governor Young voiced this intention: “If they take away our charters from us and divide up our territory. [Both plans had been suggested by U. S. Senators, it should be remembered]. It will be unconstitutional, as everything is they do against us. I told brother Bernhisel that if they took away our charters to come immediately home and we would organize our state government and fall back upon our original boundaries. Our east boundary should be Fort Laramie, the west the summit of the Sierra Nevada, and run to the Pacific Coast, and we would defend it.” In this Elder John Taylor concurred.²⁸ Some one suggested that a young officer with Alexander’s command had said that “the United States would send an army of 20,000 men, and would wipe the Mormons out another year.” To which Governor Young replied by saying that great numbers might be a hindrance to such an attempt. “It would take more than twenty miles for their army and trains to move at all, and the more there is of them, the worse off they will be.”²⁹ Discussing the matter of the present United States force going into winter quarters and receiving reinforcements in the spring, Governor Young announced a determination to deal with Alexander’s force before the arrival of reinforcements, and felt assured that by reason of the hard winter, desertions and sickness the force would be much depleted.³⁰

On the 28th of October word was received in Salt Lake City of the arrival of Col. Johnston, with the rest of the Expedition’s forces and supply trains, in the vicinity of Ham’s Fork. Whereupon Gen. Wells and staff were directed to return to Echo Canon to resume command of the Territorial forces. Governor Young was not at all daunted at the arrival of the somewhat noted commander-in-chief of the Utah Expedition, but asserted his determination to maintain the right of local self-government in vigorous terms.

“If any officers come to the army, the governor or judges,”

27. Hist. Brigham Young, *Ms.*, entry 25th Oct., 1857, p. 743.

28. *Ibid.*, p. 744.

29. *Ibid.*, p. 745.

30. Hist. Brigham Young, *Ms.*, Oct. 26th, 1857, pp. 746-7.

said he, "just inform them that they are as near as they can come. Had they have come without a military array, they could have come and not been molested; but now they cannot come. We will not have any cursed scoundrels forced upon us to judge or rule over us, and they shall not come among us. If Johnston comes with troops and intends to come in I expect they will leave their baggage, battery, and a company to guard them and come in on a forced march. Then we must not let them sleep, but use them up as soon as we can—work night and day, and not let them sleep. Brother Wells thinks that they are determined to try to come in. *You will find that when the Lord sees that we are willing to fight and get ready to shoot, he will fight our battles.*"³¹

The next day, October 29th, General Wells accompanied by members of his staff and by Gen. Charles C. Rich,³² in place of Geo. A. Smith—John Taylor following a few days later—returned to Echo Canon.

From the companies of Utah militia left to watch the movements of the troops, Gen. Wells was informed of the movements of the two divisions of the Utah Expedition, Col. Alexander's returning down Ham's Fork, and Col. Johnston's coming from South Pass and their juncture on Black's Fork. This on the 3rd of November.

Naturally the arrival of Col. Johnston, commanding the Expedition, infused new life and hope into the badly demoralized "Utah Army," worn out with its march first up and then down Ham's Fork. The Colonel commanding had come with more supply trains and with cavalry companies with him, and more at hand, that, it was thought, would put an end to further Mormon

31. Hist. Brigham Young, *Ms.*, entry for 28th of Oct., 1857, p. 750. Wilford Woodruff almost in daily contact with Governor Young, and in frequent council meetings with him, said when writing his "reflections" in his journal on the progress of the "war" to this point—"President (Governor) Young had been as calm and serene as a summer's morning, and all the time has said victory would be ours, *and that blood would not be shed*; and he has diffused this spirit through all the church and kingdom of God established in these mountains; and all the armies of Zion have gone out, to war as calm and composed as though they were going to the field of their daily labor." Woodruff's Journal, *Ms.*, entry for 2nd Dec., 1857.

32. In making the appointment of Charles C. Rich, Governor Young said: "Geo. A. Smith may stop in the city this time, and let Chas. C. Rich go; he is a good general and a wise man; I rely a great deal upon him in future." (Hist. Brigham Young, *Ms.*, entry for Oct. 28, 1857, p. 750).

raids upon their herds, or their supply trains. There can be no question but what the coming of Johnston emphasized the seriousness of the whole situation for the people of Utah—the Saints; and increased the likelihood of an armed conflict. Indeed how could it be avoided if the attempt was made by forced marches to reach Salt Lake Valley? That General Wells felt keenly the situation is evident by his reports to Governor Young. By express which arrived in Salt Lake City on the evening of the 8th of November, he demanded “help, as Col. Johnston seemed likely to want to push in.” “Letters were written to several Mormon officers to muster men to send out, by order of Governor Young, who remained up, attending to sign his name till two o’clock in the morning.”³³ Besides the number already at the front thirteen hundred more were ordered into the mountains, and many were on the way two days after the appeal of Gen. Wells had been received.³⁴

On the 11th of November an express arrived by Dr. G. W. Hickman and Elijah Ward; the former had been held a prisoner by Captain Marcy for some time. This express brought the word that “the enemy had concluded to come into Salt Lake City in twelve days on pack animals.”³⁵ Report was also received that Dr. Garland Hurt, sub Indian Agent who had left Springville late in September for the east in company with between 200 and 300 Utah valley Indians had arrived at the head quarters of the Utah Expedition, and Governor Young wrote Aaron Johnson of Springville, who was well

33. Hist. Brigham Young, *Ms.*, entry 8th Nov., pp. 776-7.

34. *Ibid.*, p. 780. “Col. Philemon C. Merrill, commanding the Davis county troops, passed the Governor’s office for the mountains with 242 men, 56 mounted; 17 officers of the line and 4 of the colonel’s staff. They had 23 baggage wagons. After stopping a short time in front of the Governor’s office, they continued their march towards the mountains of snow, as near 2,000 of their brethren had done before, to meet the enemy. Many went with wet feet, poor shoes and straw hats on, without tents or fire at night, as they could not reach timber until next day. Yet it shows the willingness the saints have to maintain the kingdom of God, and defend themselves against their enemies. It was a very cold night.” (*Id.*), p. 780. Previous to this, viz. on the 14th of October, Colonel A. P. Rockwood, commissary general of Gen. Wells’ staff, reported to Governor Young that at that time there were 1,100 men in the mountains; 700 more camped on the public square, Salt Lake City, (these chiefly from Utah and Toole counties—see Hist. Brigham Young, *Ms.*, Oct. 12, 1857, p. 667; that 1,500 more men could be raised in Salt Lake City, and that in 15 hours he could place 3,000 in Echo Canon. Hist. of Brigham Young, *Ms.*, entry for Oct. 14th, 1857, pp. 670-1).

35. *Ibid.*, p. 782.

acquainted with the mountain passes immediately east of Utah valley, what chance there was for U. S. troops coming to Provo via Kamas Prairie,³⁶ the route traversed by Dr. Hunt. About this time an express was sent in from Gen. Wells urging "the necessity of all the Saints praying for one thing, and not being divided in their wishes and desires to God. We are all to pray that the soldiers might return, and that we might not have to shed their blood."³⁷

Meantime things were equally serious with the Utah Expedition. Concentration of its several divisions had been affected on Black's Fork, three miles below the mouth of Ham's Fork. From the time he had reached South Pass, on the 18th of October, Col. Johnston had despaired of reaching Salt Lake valley that fall, even "though not opposed by the Mormons."³⁸ On the fifth of November, he reported his juncture with the forces of Col. Alexander, and announced his intention "to march upon Fort Bridger and dislodge any force" he might find there, and await the arrival of Col. Cooke, "when," he remarks, "as the approach of winter is too near to attempt the passage of the Wasatch range of mountains with a probability of success, I will seize upon the district mentioned in my letter from South Pass, [i. e., Henry's Fork of Green river] occupying it until an advance is practicable."³⁹

The march from Black's Fork to Bridger was a chapter of disaster for the Utah Expedition, sentences from Col. Johnston's report, given in the studied brevity of military records

36. *Ibid*, p. 783. Dr. Hunt had left the Territory with some government property, contrary to the instructions of Governor Young, who, when he learned that it was the intention of the sub-agent, to leave the Territory by an unusual route and with a band of Indians for an escort, proposed to send him in a carriage and with a suitable escort as became an officer of the U. S. (See Young's Letter to Garland, *Hist. Brigham Young, Ms.*, entry for Sept. 26, 1857, pp. 564-5). This offer being ignored and the sub-agent leaving in the sensational manner described, the Governor discharged him from service, and appointed Geo. W. Armstrong in his place. (House E. Doc. 35th Cong., 1st Sess., X No. 71, p. 210.)

37. *Hist. Brigham Young, Ms.*, entry for Nov. 15th, p. 783.

38. "I greatly regret," was the language of his report of that date to Major Irvin McDowell, Gen. Scott's Assistant Adjutant General, "that the impossibility of concentrating the troops destined for this service and their supplies will prevent a forward movement before spring. It is now manifest that before the force can be united the Autumn will be too far advanced to move with a probability of success, though not opposed by the Mormons." House Ex. Doc. 35th Cong., 1st Sess., x No. 71, p. 37.

39. *Ibid*, pp. 46, 47.

will be sufficiently vivid for all purposes. The distance of the march was but thirty-five miles; yet "fifteen days were consumed in this tedious operation."⁴⁰ Then he adds:

"The loss of battery horses, draught mules and oxen of the contractors has been very great, in consequence of snow storms which were encountered on the route and intense cold. Our marches each were necessarily short on account of the extreme coldness and inclemency of the weather, and because of the great number of miles on the road occupied by the supply trains and others, and the failing condition of the draught animals starving from cold and hunger. * * * Shelter for our thousands of animals seemed indispensable for the preservation of life, yet a more rapid advance to attain it would, we believe, be attended with immense loss. The snow storms raged with short intermissions after it commenced for several days,⁴¹ during which time it was exceedingly cold. The thermometer ranged from ten degrees above to sixteen degrees below zero. If shelter could have been found, a halt till the storm subsided would have been ordered; but there was none. The country between this and the South Pass, with the exception of narrow valleys of water courses, is a great desert, affording no shelter by its conformation or by its woods, or even bushes from the furious blasts in these high regions; and no fuel, except the wild sage or willow bushes. There was no alternative but to press forward perseveringly, though slowly making our route by the frozen horses, mules and oxen. A sufficient number of oxen, though poor, have been saved to supply the meat part of rations six days in the week, and we have on hand bacon for one day in the week for seven months, and also flour and small rations. * * * If a further advance of the army were other-

40. Major Lot Smith, whose command was still in the vicinity of Fort Bridger watching the movements of the Expedition, mistaking the activity among the troops in moving from their position on Black's Fork towards Fort Bridger as an effort to march into Salt Lake Valley says: "When Gen. Johnston turned towards Salt Lake, after going up Ham's Fork, one would have thought that he would go right through in a few days, but when he finally started, he made seventeen miles in one day, and it took two weeks to fetch up the rear; then the General began to see how far off Salt Lake really was." Lot Smith's Narrative, "The Echo Canon War," *Contributor*, Vol. IV, p. 225.

41. Commenting on the beginning of his snow storm Major Lot Smith says: "The snow fell and covered the ground to a great depth, but it was not so deep as our chaplain prayed for. *He asked for twenty feet.* One of our men, a little fearful that his prayer would be answered, wanted to know what would become of him and the rest of us. The chaplain's prayer was the echo of thousands of others offered at the throne of grace by a people whose homes were threatened, and who looked to God alone for deliverance and safety." (Lot Smith's Narrative, *The Echo Canon War*, *The Contributor*, Vol. IV, p. 225).

wise practicable and proper at this season of the year, the necessity of appropriating the remainder of the work oxen for food for the troops would now prevent.”⁴²

Col. Johnson in the above document also reports the arrival of Col. P. St. George Cooke, Lieut. Col. with his command of six companies of the 2nd Dragoons, and the necessary supply trains; also with the civil officers appointed for the Territory, and their escort. They arrived at Johnston’s encampment, Camp Scott, near Fort Bridger, on the 19th of November. Cooke’s march, in the latter stages, had been as disastrous as that of the other divisions of the Expedition; in the loss of animals by freezing and starvation, and the suffering of the command, up to the attaining of South Pass, greater. “I have one hundred and forty-four horses,” says his report to Col. Johnston, “and have lost one hundred and thirty-four [though special care had been used to preserve the horses as compared with attention given to mules].” “Most of the loss has occurred much this side of South Pass, in comparatively moderate weather. It has been of starvation; the earth has a no more lifeless, treeless, grassless desert; it contains scarcely a wolf to glut itself on the hundreds of dead and frozen animals which for thirty miles block the road; *with abandoned and shattered property, they mark, perhaps, beyond example in history, the steps of an advancing army with the horrors of a disastrous retreat.*”⁴³

In the midst of this region, utilizing the charred remains of Fort Bridger for the shelter of the more perishable part of its provisions, and sending the remnant of herds of cattle, mules and horses to Henry’s Fork of Green river, guarded by companies of Dragoons under Col. Cooke, the Expedition settled down at “Camp Scott,” on Black’s Fork, near Bridger, for the winter.

On their part, as soon as it was evident that the Expedition was safe-locked in deep snows for the winter, the Mormon lead-

42. Johnston’s Report to Maj. I. McDowell, Nov. 30, 1857. House Ex. Doc. x. No. 71, pp. 77-79.

43. Col. Cooke’s Report to Col. Johnston, House Ex. Doc. 35th Congress, 1st Sess., x No. 71, pp. 92-99. The report is a most graphic description of a trying but skillfully conducted march, of which the quotation of the text is the closing paragraph.

ers withdrew their forces from the mountain passes and canon encampments to the settlements and homes in Salt Lake valley, where in comfort, and, indeed, amid much innocent merry-making, they passed an agreeable winter.⁴⁴

Of all the Utah forces that had been in the mountains, only a guard of fifty men was kept at Camp Weber, at the mouth of Echo Canon. These were under command of Captain John R. Winder, with instructions to keep a relay of ten mounted men on Yellow Creek, above the head of Echo Canon, relieved weekly. The relay was occasionally to trail out towards Fort Bridger, "and look at our enemies from the high buttee near that place."⁴⁵ The guard stationed at Camp Weber was instructed to keep strict surveillance at this east gateway to Salt

44. The winter of 1857-8 was often spoken of as one of "the gayest winters ever known in Utah." W. G. Mills, writing from Salt Lake City to T. B. H. Stenhouse, N. Y., under date of April 5th, 1858, describes the "gayety" of the winter as follows: "Peace is enjoyed throughout this Territory by the citizens, from north to south, and every heart beats with the love of liberty—religious, political, and social. During the winter, festivities were very prevalent, and entertainments of various kinds were enjoyed. Dramatic and literary associations were attended to overflowing, balls and parties were frequent and numerous filled, and every species of amusement suitable for an enlightened and refined people was a source of profit to the caterer, and pleasure and benefit to the patronizers. Indeed, had you seen the manner in which they enjoyed themselves, you would never have surmised for one moment that within a few miles of us there was an army—who were only waiting to kill, corrupt, and debase an innocent and virtuous community. No cases of drunkenness appeared on the streets; no lists for assault and battery on the courts of the city; no trials for larceny, *petit* or grand; no marks, in those respects, of the civilized manners of the world; no midnight brawlers and assassins."

This condition he contrasts with the conditions reported at Fort Scott: "The contrast is great, when this place is put in juxtaposition with the army outside. Courts were held there for weeks together; thefts, assault, and battery, and wickedness of various kinds, were the order of the day. Ben Simons, an Indian chief, visited the camp on one occasion, after he sold them salt at \$2.50 per pound; and, while sleeping in the Superintendent of Indian Affairs' tent, the sum of \$300 was stolen from him. Gambling is carried on with a high hand amongst them, and the concomitant crimes, although all such are strictly forbidden in the Territory." (*Mill. Star*, Vol. XX, p. 495, where Mills' letter appears at length). The author of "The Utah Expedition" in the *Atlantic Monthly* for March, 1859, also describes the lawlessness of the camp, p. 374. See also *ante* this History, Ch. LXXXIX, Note 30½.

45. See Instructions of Gen. Wells to Capt. John R. Winder, Dec. 4th, 1857. The order *in extenso* will be in Tullidge's "History of Salt Lake City," pp. 197-8.

46. "Southwest of the Fort, at the distance of four or five miles, a singular butte, the top of which is as level as the floor of a ball-room, rises to the height of eight hundred feet above the valley of Black's Fork, and commands a view of the entire broad plateau between the Wind river and the Uinta and Wahsatch Ranges. (*Atlantic Monthly*, April, 1859). This was the point from which the Expedition's encampment was watched. It was this situation which the *London Punch* afterward so graphically pictured in cartoon, where the "flower of the American army" half buried in the snow is being herded by ten Mormons.

Lake Valley. If teamsters or deserters presented themselves they were to be passed on to Salt Lake City, leaving a record of who and what they were. "If officers or others undertake to come in," said their instructions, "keep them prisoners until further orders are received." "Especially, and in no case," were they to "let any of the would be civil officers pass. If your lookout party discover any movement of the enemy in this direction [i. e., Salt Lake City] * * * take all such parties prisoners, if you can, without shooting; but if you cannot, you are at liberty to attack them, as no such party must be permitted to come into this city."

There was no attempt on the part of the expedition or any division of it to enter Salt Lake valley during the winter. When the Expedition went into winter quarters at Camp Scott in the latter days of November, the campaign of the "Utah War" closed. It ended without the Utah forces firing a single gun. *Had not the Lord fought their battle?*

All that remains to be said about the "War," has to do with negotiations to straighten out the difficulties that had been brought about by stupendous blundering.

The Tammany Society in Ohio

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ORIGIN AND HISTORY

THE Tammany Society was organized in the City of New York in the year 1789, and was designed to counteract the combined influence of the Federalists and the Society of the Cincinnati. The latter was looked upon as a species of aristocracy and hostile to democratic institutions. Fears were entertained that its members might consolidate power in their own hands, though they were certainly as loyal to the infant republic as were their opponents. That society was established to promote the mutual friendship of those who were associated together as chief actors in the American revolution, and to perpetuate the remembrance of their efforts to secure the independence of the United States. General Knox and Baron Steuben were its earliest promoters; and as such men as Washington, Lincoln, Nathaniel Greene, Arthur St. Clair, Moultrie, Gates, and Alexander Hamilton were its officers, no fears needed to have been entertained of their patriotism and loyalty.

As the Society of the Cincinnati sprang from the officers of the army, so the Tammany Society sprang from the people. The credit for its foundation is due to a citizen of Irish extraction, William Mooney by name, who belonged to the Whig school of politics, and was one of the "Sons of Liberty," or "Liberty Boys," as the rebels and rebel sympathizers were called, as dis-

tinguished from the Tories. After the war he was an upholsterer in New York city—first on Nassau street, afterward on Maiden Lane, and then on Chatham street. He finally became keeper of the Alms House, in which office he died. Mooney was not a man of high position in the community, nor did this society at first attract men of influence and standing. It soon gained favor, however, and many rising politicians were glad to become members. It has been thought that Aaron Burr was the leading spirit of the new order, and was its real founder. Certain it is that he was on terms of intimacy with Mooney, and owed him large bills for upholstery; but he does not seem to have become an open member, though he may have been a counselor and confidant.

The organization was first called the "St. Tammany Society, or Independent Order of Liberty." This name was derived from an Indian chieftain who was held in the highest repute by the earlier American Colonists. He belonged to the tribe of Delawares, and was famous for his wisdom, prudence, virtue, hospitality and humanity. He was distinguished no less for his endurance in the chase than for his bravery in battle. He was known to the white settlers as Tameud or Tameneud; and in 1776, when Major George Morgan was sent from Princeton to treat with the Western Indians, they admired him so much that they conferred upon him the name of their great warrior, knowing no greater honor to bestow. Many legends gathered around the history of Tameneud, and by the superstitious he was supposed to have had communion and intercourse with the Great Spirit. Indeed, there was a tradition that he had personal conflicts with the Evil One; and the story goes that in one of these, which lasted for several days, our own Sandusky plains were despoiled of their timber by his Satanic Majesty, in his efforts to escape the blows of the dusky saint. His appellation of "Saint" is said to have originated with John Trumbull, the author of "McFingall," to ridicule the propensity of the people for calling their social clubs after St. George, St. Andrew, St. David, and other foreign saints, in this new land of liberty. The title took; and "Saint Tammany" was inscribed by the Pennsylvania troops upon their revolutionary banners in opposition to those of the

royal line, which bore the name of their patron saint, the hero of the dragon, "Saint George" of Cappadocia.

The society in the second year of its existence dropped the title, "Independent Order of Liberty;" and instead it was proposed to substitute "Order of St. Columbus." Here was still a hankering after the word "Saint." But to this suggestion it was replied that Columbus was a foreign adventurer, and represented foreign ideas, while they were Americans. Not long after the appellation of "Saint" was omitted from the name, and when the society was incorporated by the State of New York in 1805, it was designated as "The Tammany Society, or Columbian Order."

Though it admitted all ranks to membership, only native born citizens were eligible to its offices. It soon attracted to its membership such men as Josiah Ogden Hoffman, Cadwallader C. Colden, John and Robert Swartwout, Benjamin Romaine, Stephen Allen, John D. Broome, Daniel D. Tompkins, and others of political note. Its affairs were managed by the most astute and capable politicians, and it was thus able to capture the shrewdest found outside of its own organization. The chief power was confined to a small circle, however; for though it was democratic in its principles, it was eminently aristocratic in its practices. To its inner councils only a trusted few were admitted. They constituted its advisers and directors; they dictated its policy, prescribed its action, and were "a wheel within a wheel," giving motion to all its machinery. Thus the power was retained in the hands of a "ring"—and Tammany has been essentially a ring in all of its political maneuvers. The most capable politicians of any party have been members of Tammany; and it is no small compliment to say that when Tammany smiled, victory was certain, when it frowned, defeat was sure.

The object of the society, as expressed in its constitution, was to "connect in the indissoluble bonds of patriotic friendship citizens of known attachment to the political rights of human nature and to the liberties of this country." The society early espoused democratic principles, and of course antagonized Hamilton and the Federalists. In 1800 Burr and Jefferson were both candidates for the presidency. Only the year before, the Fed-

eralists had carried the State of New York; this year Tammany went in strong for Burr and secured the State for him, thus producing a tie in the electoral college between Burr and Jefferson. Through the influence of the latter, branch societies of Tammany were established in all or most of the original states, but its headquarters were in New York. Here its meetings were first held in Barden's City Tavern on Broadway; then in Mantling's "Long Room" in an old wooden building on the corner of Nassau and Spruce streets, where the Tract house now stands.

In the constitution of the society, there was preserved a little Indian sentiment, and a few of the Indian characteristics. Thus it was divided into as many tribes as there were states, and each of the state tribes was named after some animal. New York was the Eagle tribe; New Hampshire, the Otter; Massachusetts, the Panther; Rhode Island, the Beaver; Connecticut, the Bear; New Jersey, the Tortoise; Pennsylvania, the Rattlesnake; Delaware, the Tiger; Maryland, the Fox; Virginia, the Deer; North Carolina, the Buffalo; South Carolina, the Racoon; and Georgia, the Wolf. We fail to see the significance of some of these names, though there is a reason for calling Michigan the Wolverine State and Wisconsin the Badger State.

When a member was initiated into the society, he indicated what tribe he would join. In public parades, each of the tribes carried its own banner, preceded by its own sachem. The halls of the several branches were called "wigwams," and their calendar began with the "Year of Discovery," 1492, when Columbus first set his foot on American soil. Their year also began with the 12th of October, which was denominated the month of "Traveling;" and the successive months thereafter were named "Beavers, Games, Colds, Snows, Worms, Plants, Flowers, Heats, Horns, Fishes, and Corn."

INTRODUCTION INTO THE STATE OF OHIO

The first wigwam of the Tammany Society in the State of Ohio was established at Chillicothe, on a dispensation sent from the Grand Sachem of Pennsylvania to Thomas Lloyd, empowering him to build it. Mr. Lloyd called together a few of the

citizens known to be of the same political principles as himself, and duly initiated them into the mysteries of the order, agreeably with the constitution thereof. We give the names of those who, with Mr. Lloyd, founded the first wigwam of the Ohio tribe, as several of them are well known in our state history:—Thomas Scott, John Hamm, William Williams, Samuel Swearingen, David Kinkead, William S. Hutt, Nimrod Hutt, Carlos A. Norton, Samuel Williams, John Hutt, John Thompson, Joseph S. Collins, John Wiley, John Wood, James T. Crockwell, John Pickens, Edward Scott and Benjamin Hough. After organization the order increased rapidly and included among its members Thomas Worthington, Edward Tiffin, Ethan Allen Brown, Winn Winship, Preslay Morris, Jesse Spencer, and others of the highest standing in society and leaders of public opinion both in State and National politics.

The dispensation granted for the purpose of erecting the new wigwam runs as follows:—

“In the name of the Spirit of Tammany, to you, Health and Prosperity:—Sago, sago, sago.

“*To THOMAS LLOYD at Chillicothe in the State of Ohio:*

“I, Michael Leib, Grand Sachem of the Tammany Society, or Columbian Order, No. One, in the State of Pennsylvania, do by these presents, in pursuance of the power in me vested by the Constitution, and in conformity to a resolve of the said society passed on the fourth day of the month of Colds in the year of Discovery Three Hundred and eighteen [January 4, 1810], authorize and empower you, the said Thomas Lloyd, to build up and open a Wigwam at Chillicothe, in the State of Ohio, to be governed by our Tammanial Constitutions, and to be invested with all the same and equal powers and privileges of initiating sons of freedom into this illustrious Order, and to grant dispensations for extending the chain of amity throughout your State.

“I have to recommend to you an attachment to and uniformity with your elder brothers in your language, ceremonies and laws, a sacred remembrance of the cement, and a burial of the tomahawk.

“Given under my hand this fourth day of the month of Snows, in the year of Discovery, Three hundred and eighteen [Feb. 4, 1810].

“M. LEIB, *Grand Sachem.*

“Attest: JOHN L. BAKER, *Secretary.*”

At the time of granting this dispensation, Dr. Leib was United States Senator from Pennsylvania.

The society in Ohio drew to itself attention from the character and influence of the men composing it, and being a secret organization it was very cautious in the admission of new members. It was provided in the Constitution that if any person wished to unite with the society, he must signify his desire in a letter, and be recommended by two members. In that case the Grand Sachem appointed a committee of three other members to make all needful inquiries into the morals and political sentiments of the applicant, and to report at the next meeting. If the report was favorable, the society proceeded to ballot for the candidate; and if, on counting the ballots, it was found that there were two black balls to every sixteen white ones, the Grand Sachem pronounced him not elected. But if otherwise, he was declared elected, and was eligible to be admitted the same evening. If any member elect did not claim his right within six months, he was not admitted without a new vote in his favor.

If any person was wrongfully rejected on account of falsehoods maliciously circulated, or through any mistake in the committee reporting, he might be brought again to the notice of the society and balloted for anew; but one who in the judgment of the society was rejected was rejected on good, clear and satisfactory evidence could never be balloted for a second time.

In matters political the society made itself felt at the public elections in towns where a wigwam was established, but elsewhere in the State it does not seem to have had much influence. Partisan rancor was as bitter then as now, and the issues that divided the Republicans and Federalists were as sharply defined as any of later days. It is amusing to read in the journals of the period the charges and rejoinders of political opponents; and if we may believe half that was said, we must come to the conclusion that

“Corruption boiled and bubbled
Till it o’erran the stew,”

as it erst did in Vienna. Those who quote with admiration the good old days when men were honest should read the papers.

The society was accused, perhaps justly, of holding secret caucuses and deciding what was to be done in the ensuing elections. In this they only imitated their elder brothers in New York and elsewhere. They used circulars and employed runners, had their heelers at all the polls, kept up a system of espionage, and conducted an extensive correspondence. In the general election of 1810, their candidate for governor was Thomas Worthington. In the opposition was Return J. Meigs. Both were worthy citizens, and both deserved well of the people. Charges of corruption were freely brought against the candidates on both tickets by their opponents. Mr. Meigs was denounced as a Federalist, even by men who had sustained him in a previous political contest as a Republican. He had received three years before a majority of the popular vote for governor, but was debarred from assuming office on account of an alleged incapacity—he had not been a resident of the State, as required by law, four years next preceding his election. Possibly the voters of Ohio now generally deemed this a mere technicality; for he was elected, by a decisive vote over his popular opponent. The canvass of the State was a heated one, and there was no end of crimination and recrimination. Governor Meigs made a gallant and patriotic executive, and his services in the war with England received from the general government substantial recognition.

So bitter were the animosities between the two leading parties that members of the same religious communion sometimes became alienated, while one portion endeavored to disfellowship the other. A notable instance of this occurred at Chillicothe, the headquarters of the Tammany Society in Ohio. Being the seat of government, the contentions of political partisans, were unstinted. Many aspirants for official position resided there, and mutual jealousies begot mutual strife. In the Methodist Church the leading spirit in 1811 was a Federalist. He was a genuine ascetic, and had gathered about him a coterie of kindred spirits who dominated both the spiritual and temporal concerns of the pastoral charge to which they belonged. Even the preacher was under their influence, and what they dictated was the law which he was bound to execute. Like Diotrephes

in the New Testament, they desired in all things "to have the pre-eminence." These men can not be charged with ungodliness or lack of piety, but their zeal ran away with their judgment. They were particularly opposed to their Tammany brethren, against whom they entertained strong prejudices on account of their political preferences. It was not contrary to church order and discipline, however, to vote the Tammany ticket, and the Tammany brethren could not be called to an account on that ground. But an occasion came at last. In this year, 1811, the society celebrated its anniversary with a parade, a "long talk" by Governor Tiffin the Grand Sachem, and a banquet. Immediately an accusation was laid against the Tammany Methodists by some of the Federalist clique, for violating the rules of the church and for sinful practices; and a committee was appointed by the preacher having charge of the circuit embracing Chilli-cothe, to examine into and try the case. Whether through accident or design the persons appointed on the trial committee were men whose prejudice against the Tammany Society was known to be unrelenting.

Among those arraigned for trial was Governor Tiffin, who was at the same time a local preacher. Seven or eight others were also brought to trial, and the principal crime alleged against them was "*Idolatry*"—a crime expressly forbidden by the word of God. The specification under this head was, "In being members of a society designated by the name of a heathen, and celebrating the anniversary of an Indian chief, Tammany, on the 13th day of May last!" How the specification justified the charge, or how the testimony proved it, we can not tell, but the committee decided that an act of idolatry had been committed, and the result was that the offending members were expelled from the communion of the Church! To such a length did political differences carry good men. It is pleasing to know that a higher ecclesiastical authority reversed the decision of the committee which tried the case, and restored the expelled members to the Church. For the sake of peace several of the Tammany members then quietly withdrew from that order, or ceased to attend its meetings; but they did not give up their principles,

and continued to vote the Tammany ticket so long as the society had an existence.

ORGANIZATION AND METHODS

The officers of the society consisted of a Grand Sachem who acted as president, and as many sachems as there were states in the Union; who, exclusive of the Grand Sachem, formed a council and appointed one of their number as "Father" of the council; a secretary and a treasurer. These officers were elected annually by ballot on the first Wednesday in May. In addition, there were appointed to serve for three months two introducing and one initiating sagamore, and a Wiskinki who acted as door-keeper. The duties of the Grand Sachem were such as usually pertain to the office of a president; and in case of an application from any number of citizens, not less than the number of States in the Union, for permission to build up for themselves a Wigwam, it was his duty, with the consent of a majority of the Council, to grant a dispensation for that purpose.

The word sachem, in the Indian language from which we have adopted it, signifies "old man," senator or councilor. Sagamore designated a tribal chief of secondary rank, and Wiskinki means a servant or attendant. As such these terms were employed in Tammanial history.

When the society held its sessions, after the Grand Sachem had called the members to order, the secretary opened the business of the meeting by repeating the following invocation to the Great Spirit, the members all standing: "The sun having, by command of the Great Spirit who rules and reigns the monarch of the world, retired from our horizon, and having finished the private cares of the day, the Sons of Tammany, assembled by special agreement in this their great wigwam to deliberate upon the state of their affairs, having formed the grand chain of union [by standing in a circle] in peace and brotherly love, implore the Great Spirit to preserve amongst them that harmony and decorum worthy brothers of their Order." Then giving a signal with a tomahawk, each member stamped with his left foot once, resumed his seat, and the business proceeded.

After the work of the evening was concluded, and an adjournment ordered, the secretary dismissed the society with these words: "Having finished the deliberations of the wigwam, and again formed the grand chain of union, the Sons of Tammany implore the protection of the Great Spirit until he shall next favor them with a meeting; and the Grand Sachem is pleased to allow every brother to retire to his own wigwam, severally to give his attendance at this, our Great Wigwam, on the [first] Wednesday of the month of ———, year of Discovery, three hundred and ———."

The "state of their affairs" upon which the society was accustomed to debate was not of matters solely connected with their own order. Questions of public interest were discussed, and speeches were made by the members upon the attitude of the government toward foreign powers, internal improvements, domestic manufacturers, tariff, tax, and the interminable subject of finance and banking. As some index of the sentiments entertained by the Tammany Society in the first decade of the century we give the following resolutions which were considered in one of their meetings:

"Resolved, That we view with sensations of heartfelt pleasure the rapid progress and improvement made by the United States in domestic manufacture, and the flattering prospect before us that at no distant period this Nation [they spelled nation with a capital N] will become in the fullest sense of the word really independent.

"Resolved, That we will give every encouragement and support in our power to the manufacturers of our own country, and will also discourage by precept and example the purchase, use or wear of any article that is not the growth, produce or manufacture of the United States.

"Resolved, That at the approaching anniversary of our National independence, each member of this Society shall appear dressed in clothing altogether the growth and manufacture of the United States, and in the making and trimming of which no one article or part whatsoever shall be of foreign importation."

In this last particular the society resolved to copy after the example of Washington who was inaugurated as president in homespun clothes. Many of the fathers of the republic followed

the same fashion, and the members of Tammany at that period were, during their childhood and youth, their contemporaries. From them they learned patriotism; some of them had formed their personal acquaintance; and the lessons taught them by the venerable Revolutionary fathers were not lost on them or their children.

The mode of initiation into the society was simple, and the ceremonies were, according to our apprehension, somewhat childish. On the evening appointed, the Grand Sachem presiding over the Wigwam, directed the Introducing Sagamores to bring the candidate in. They accordingly went to an ante-room for that purpose, and having brought him to the door of the Wigwam, one of them put to him this question: "Will you give us your solemn promise to support the constitution, reputation and harmony of this society, and to preserve inviolably all its secrets?" On receiving an answer in the affirmative, the other Sagamore then gave three loud raps upon the door, which were repeated on the inside by the Wiskinki, and the door was opened. The first Sagamore gave the sign and passwords and all three entered. The Wiskinki thereupon announced to the society, "A stranger;" upon which all the members arose to their feet, and remained standing, with the exception of the Grand Sachem, until the ceremonies of initiation were completed.

The two Sagamores then advanced, with the candidate between them, a certain distance, where they were met by the Initiating Sagamore who approached from a table by the side of the Grand Sachem, holding an uplifted tomahawk. With a menacing voice and a stern countenance, and brandishing his weapon as if aiming a blow at the stranger, he cried out "Sago, sago, ailo." The following colloquy was then had:

Initiating Sagamore. "Does this man love freedom?"

Introducing Sagamore. "Et-hoh" [yes], in a guttural voice.

Init. Sag. "Can he bear fortune and adversity like a true born American?"

Introd. Sag. "Et-hoh."

Init. Sag. "Will he unbury the tomahawk hid under this our great wigwam before his country's good requires it?"

Introd. Sag. "Raugh-taw" [no].

Init. Sag. "Advance."

Thereupon the candidate led by the two Sagamores approached to within a short distance from the table, when the initiating sagamore thus addressed the Grand Sachem: "This stranger has given us full assurance of his sincere intention to support the constitution, harmony and reputation of this society."

Grand Sachem. "Initiate him, brother."

One of the Introducing Sagamores now placed on the head of the candidate a cap of liberty made of red velvet or flannel, and the initiating sagamore turned to him and said: "Friend, the favorable report given us of your character and intentions has recommended you to the acceptance of this society. Therefore, bearing this cap of liberty, you will diligently attend while I repeat to you the solemn obligation which cements our grand chain of union. What is your name?"

Candidate. "A. B." (giving his name).

Sagamore. "Repeat after me: 'I, A. B., do most solemnly declare that I am not a member of any other Tammany society in the State of Ohio; also, that I will support the constitution and laws, reputation and harmony of this society, and preserve inviolably all its secrets. For my sincerity in this, I call to witness the guardian genius of Freedom, my country's truth and justice, and these my countrymen, friends and brethren; and finally for my true performance of this, I pledge my most sacred honor.' "

This done, the Sagamore resumed: "It now remains for me to disclose to you the sign and grip, without the knowledge of which you can not gain admittance into this or any other Wigwam established upon the same principles. First, when you come to the door of a wigwam, which is kept by an officer whom we term Wiskinki, you will give three loud and distinct raps, which will be answered from within. The door will then be opened, when, laying your left hand on your left breast, you will say, 'Liberty is our life.' The Wiskinki responds, 'May you ever enjoy it,' and you will then be allowed to enter. You will know a brother by your shaking each other with the left hand,

forming this grip," showing him the grip by holding the hand something like a reversed J.

Turning to the members of the society, the Sagamore asked, "Are you willing to lose this brother?" To this they all responded, "Raugh-taw." Then the Sagamore again addressed the new member thus: "I now pronounce you a Son of Tammany, a member of the Columbian Order; and may you in peace and harmony ever enjoy so honorable a station. You are our brother, and the Grand Sachem will congratulate you on behalf of the society." He was then conducted to the Grand Sachem who rose from his seat and took him by the hand, saying, "I congratulate you, brother, as a member of the Tammany Society or Columbian Order." The cap of liberty was now removed from his head, the society formed a "chain" by standing in a circle around the room, and on a signal by the initiating sagamore, each member stamped three times with his left foot.

The ceremony was concluded by the members resuming their seats, and the new member affixing his name to the Constitution, which was enrolled on parchment or a large sheet of heavy paper, and paying the required fee to the secretary. This fee was never less than two dollars, nor more than ten.

ITS ANNIVERSARIES, AND SENTIMENTS

The Tammany Society celebrated its anniversaries on the 12th day of May, or on the day following if the 12th fell on Sunday, this being regarded as the birthday of their patron saint. The festivities usually consisted of a parade, a "long talk" delivered by one of the members, and a banquet. On the morning of that day the society met at their wigwam where they were formed into a marching procession by one of the sagamores. At the head of the column was placed a brother lifting the cap of liberty on a wand, and immediately in his rear was the Grand Sachem, attended by the secretary bearing a scroll. Behind these officers marched a sagamore bearing the calumet. The other sagamore who acted as marshal had for his badge of office a brandished tomahawk.

Following the officers enumerated marched the members of

the society divided into their several tribes, beginning with New Hampshire, and so proceeding from East to South and West. At the time when the order flourished in this State, Maine had not been admitted into the Union. Each tribe was headed by its own sachem, bearing the tribal flag. These flags were of white silk, usually about a yard square, with simply the name of the State painted or gilded upon it. The wiskinki brought up the rear of the procession, bearing a large wooden key, gilt.

Upon arriving at the place of celebration, the "council fire" was kindled, and the society "danced" around it. If the place where the long talk was to be delivered was a public hall, the dance was omitted. The Grand Sachem presided, assisted by the Father of the Council. To the banquet none were admitted except members, and at its conclusion they returned to their wigwam where they were dismissed with the usual formula.

In their public celebrations the members were not clad in uniform, but all were required to wear a buck-tail on their hats. It was with reference to this peculiar badge that some of the Pennsylvania troops during the late civil war were denominated "Bucktails;" and Fitz Greene Halleck commemorates them in one of his humorous effusions:

"There's a barrel of porter at Tammany Hall
And the Bucktails are swigging it all the night long;
In the time of my boyhood 'twas pleasant to call
For a seat and cigar 'mid the jovial throng."

The Tammany Society heartily espoused the Republican cause, and had no sympathy with the members of the "Hartford Convention." Hence they co-operated with Mr. Madison in his administration of the government, and gave him their cordial support. In the war with Great Britain they furnished a large quota of troops for the defence of the Western frontiers, and favored the protection of the manufacturing interests of the country as against that power. Many of them carried their sentiments into practice, and made use of domestic goods only for their clothing. In one of their public anniversaries at Pittsburgh it is mentioned with pride by the society there established, that of those who sat down to dinner—a company of two hundred—

more than half were entirely clad in homespun fabrics! When Governor Tiffin was Grand Sachem of the order in Ohio, he addressed the following letter by direction of the society to the President. Carlos A. Norton was chairman of the committee appointed to prepare it, but as the report is in the Governor's own handwriting, he probably wrote it himself without suggestion or help from others:

“CHILLICOTHE, June 14th, 1811.

“*To JAMES MADISON, President of the United States,*

“SIR:—

“The Tammany Society, or Columbian Order of Wigwam No. 1, whence the other four branches in the State of Ohio have originated, unanimously request leave to address you at the present momentous crisis of our public affairs. They have not been indifferent spectators of the trying and difficult scenes through which you have had to pass as executive of the National government. The unjust and destructive edicts passed by the two great belligerent powers of Europe against our neutral commerce and rights; the repeated insulting aggressions committed on our coasts, and even in our own waters; the diplomatic finesse practised by accredited ministers, and the apologists for such outrages in our own country, have all tended to make your situation peculiarly embarrassing; but this numerous society of democratic Republicans have viewed with the sincerest pleasure the promptness with which you have met pacific overtures, the firmness with which you have contended for the rights of your countrymen, and the forbearance which the spirit and genius of our government dictated.

“Judging from the past they are impelled to express their entire confidence in, and reliance upon, your wisdom, firmness and patriotism as Executive of the United States in this trying season; and they are firmly determined to support with their lives and fortunes such necessary measures as the government of their country may adopt for the preservation of their rights and liberties, and the promotion of the National welfare.

“Signed in behalf of the Society,

“EDWARD TIFFIN,

“*Grand Sachem.*”

To this patriotic and eloquent letter, the President returned the following answer:

“WASHINGTON, June 23, 1811.

“SIR:—

“I have received the letter of the 14th instant which you have addressed to me, in the name of the Tammany Society of Wigwam No. 1 in the State of Ohio.

“The circumstances in our national situation, to which you refer, could not but render it peculiarly embarrassing to those entrusted with the national rights and interests. Whilst justice, however, continues to be the basis of our policy, and the great body of our fellow citizens remain firm in sentiments and determinations such as are expressed by the Society of which you are the organ, our country will be found adequate to every trial to which it may be exposed. The approbation which the society bestows on the share I have had in the public transactions, and its confidence in my further efforts for the public good, are entitled to my thankful acknowledgments; to which I add a tender of my respects and my friendly wishes.

“JAMES MADISON.

“EDWARD TIFFIN, ESQ.,
“*Grand Sachem.*”

The Governor in his letter makes mention of four additional wigwams in the State, but there were soon added three others, making in all eight. Besides the parent organization at Chillicothe, wigwams were built up in Zanesville, Cincinnati, Xenia, Lancaster, Warren, Hamilton and New Boston (Champaign County). As a matter of local interest we give the names of those who signed the petition for a dispensation to erect one in Cincinnati. The petition, dated September 25, 1810, was written by Daniel Symmes, and is signed by himself, Hugh Moore, Elias Glover, Thomas Rawlins, Thomas Henderson, John O'Ferrall, Jacob Felter, Leonard Sayre, James Matson, John Riddle, C. Walker, John Shally, James Conn, Jacob Fowble, James Silvers, Stephen Wood and John Cleves Symmes. The matter was acted on in the council of Sachems, and a dispensation was accordingly granted to the first petitioner, January 16, 1811. How large a membership the Order had in Cincinnati, we do not know, nor are we informed whether any of its records are still preserved. From the names attached to the petition it may be inferred that some success attended its establishment, especially

as Messrs. Symmes, Glover and Moore traveled all the way to Chillicothe, probably on horseback, for the purpose of being initiated.

That the order did not spread more widely throughout the State may be accounted for, partially, by the triumph of the Republican principles, and especially by the breaking out of hostilities with Great Britain. This was a matter of deep concern at the time, and party politics became lost in patriotism. Besides, it was expensive to keep up the organization; and, as there was no State charter incorporating the society, there was nothing to conjoin the members except questions of public economy; and these could just as easily be advocated and voted for outside of a secret society or party as in it. Ohio soil did not then seem congenial to "rings," whatever it may have been since; there were but few whippers-in of voters to carry the polls, and the spoils of office were not given as a reward for the dirty work of roughs and bullies. There was corruption enough, but it developed itself in other forms. Graft is not a new thing in Ohio.

To show the state of feeling which existed between the Federalists and the democratic Republicans of Ohio, we give an extract from a letter written by the builder of the Xenia wigwam, Jacob Smith, to the parent Wigwam, No. 1, at Chillicothe. His letter is dated March 23, 1811. He says: "A few of the Sons of Columbia met at Xenia and kindled a fire in our own wigwam, but we are not as yet completely organized. Great threats are thrown out against us by the enemies of Columbia, and they go so far as to say that they will tar and feather all of us at our next meeting. But we shall not desist from assembling on account of threats like these."

In an address to the branch society at Zanesville, the Chillicothe Wigwam says: "Brothers, these times are full of danger. We have sat longer around our council fire than you have, and we will tell you our minds freely. We will not say, beware of the Federalists; for you know them of old. But we will say, beware of wolves in sheep's clothing; beware of pretended Republicans who act in the dark, who are really Federalists, but have not the courage or policy to avow it. The intrigues of such

characters have bred much confusion. They say they are staunch Republicans; they speak well of the general government; they praise and flatter many of our public characters; 'honey flows from their lips, but deceit dwells on their tongues.' Brothers, you little dream of the hypocrisy and insatiable ambition which lie lurking under the gravity of their long beards and robes."

And then, after cautioning their younger brethren not to admit as members those of whom there was any doubt, the address thus continues: "Let us all show, by the correctness of our conduct, the purity of our hearts. Can an impure fountain send forth pure waters? If our institution be fraught with disorganization and licentiousness, can we be good husbands, fathers and brothers, and patriotic citizens? Or rather, would not every action of ours prove us to be incendiaries, defamers of merit, and destitute of private and public virtue? Let us all remember that the tree will be judged by its fruit."

These words, though written early in the nineteenth century, and addressed to a Republican club, are timely for our citizens of today. Let us heed the counsels of old.

POLITICAL PRINCIPLES

Still further to illustrate the sentiments and style of our citizens a century ago, we quote some of the toasts and addresses given at the banquet of the Society in Pittsburgh and Chillicothe from 1807 to 1811. It may be well to remark that in their anniversaries and banquets, wines and liquors were strictly forbidden, nor was the smoking of cigars or pipes allowed in their wigwams, though the calumet was one of their symbols. In morals the Tammany Society in this State was exemplary, and proved that ethical considerations can be carried into politics. We believe this order was the first "Temperance" party in Ohio without making temperance the sole object of its existence or mentioning it in its platform of principles. But to the toasts, drunk in cold water.

"*The Embargo and Non-Intercourse Act*:—Measures which if persevered in will secure to all nations the freedom of the great waters, and respect for their flags."—*Song*, "O'er the ocean that rolls his wild waves from afar." [Pittsburgh, 1808].

*“The Constitution of the Seventeen Tribes:—*The late acquittal of a traitor proved to have been guilty of conspiring against our peace and happiness, is a convincing proof that the aristocratic leaven of two-thirds should be abolished.” [Pittsburgh, 1808].

This was radical democracy with a vengeance!

*“The United States:—*May their boundaries be the oceans and eternity their deviation.” [Pittsburgh, 1807].

*“The Union:—*Whenever its safety is menaced by a foreign or domestic foe, the warriors of the backwoods will be the first in unfurling the banner of liberty, and foremost in the ranks on the day of battle.”—*Tune*, “Kentucky Volunteers.” [Chillicothe, 1811].

*“The American Canoe-men:—*Their country is proud to acknowledge them her sons. Her friends will respect, her enemies will dread them.” *Tune*, “Columbia’s sons, arise.” [Pittsburgh, 1809].

The American canoe-men with Commodore Perry on Lake Erie, just a century ago, well justified this sentiment, and proved its truth.

*“No Separation of the Tribes:—*Divide and conquer is the maxim of despots. He that would break the grand chain of our union is a foe and a traitor to his country.” [Pittsburgh, 1809].

*“Domestic Manufacturers:—*A free people to be really independent should manufacture their own clothing as well as make their own laws.” *Tune*, “The Dusty Miller.” [Chillicothe, 1811].

*“The Friends of Liberty in Every Clime:—*As brethren of the same sentiments we embrace them, and as free citizens of the republic we give them a hearty welcome to our soil.” *Song*, “Well met, fellow free men.” [Pittsburgh, 1808].

As the country was but sparsely populated, though there was a continual flow of settlers from the older States to the Great West, emigrants from abroad were specially welcomed. There were no large ocean steamers, and sailing vessels were some-

times several weeks in making the trip from Belfast to Philadelphia. The consequence was that passengers were often deterred from encountering the perils and delays of the voyage. Still, there was a continual influx of persons from the British isles, and very many Irish and Scotch-Irish families purchased lands in Pennsylvania. Their influence already began to be felt in the communities where they settled. They were generally religious people, with Calvinistic views.

“The State of Ohio:—Only eight years old last November. Her citizens are distinguished for virtue, industry, and enterprise; schools and manufactures flourish; the roads over the mountains are filled with droves of her cattle, and the Mississippi is covered with her produce wafting to market. How much superior are these blessings to the ambitions and wars, the pomp and desolation which spread over Europe!” *Tune, “O’er the hills and far awa’.”* [Chillicothe, 1811].

We next give an extract from Governor Tiffin’s “long talk” before the Society in the year 1811. After mentioning the blessings secured to the American people by the achievements of the Revolutionary fathers, the Governor goes on to say:

“Yet our principles and our practices have been misrepresented, miserably misrepresented. An honorable Order of people have been indiscriminately abused as a set of beings unfit to enjoy the common elements of air and water not denied to the most inferior part of organic living matter by their great and glorious Author of universal existence; and our practices have been described as fit only for infernals. But while our sympathies have been excited toward the ignorant and deluded authors of these persecutions, it has been a distinguished trait in our character as a people that when we were reviled we reviled not again.

“When the great and glorious Author of our blessed and benign religion came upon His errand of love to man, we all remember the treatment He received, the life He lived, the death He died, and the blessings such life and such death procured for even the authors of His sufferings and His sorrows. We pretend not to such sacred views as these; we only mention them to show how far political may keep pace with religious fanaticism; and how far ignorance and prejudice may go towards dethroning reason, and suffering all the angry and tur-

bulent passions to usurp its seat. We doubt not but time and a proper development of our principles and practice will dispel the gloom so artfully attempted to be cast over the mind, and that the mantle of charity will be thrown over conduct manifested under the influence of a mistaken and a misdirected zeal. . . .

"The Tammany Society, or Columbian Order, was not, nor is yet known as an order of people anywhere upon earth, but in the highly favored land of Columbia. Here it was first created and divided into tribes under a common head, and inspired by a common spirit. We are democratic Republicans in heart and practice. We are, as our Constitution expresses it, united in the indissoluble bonds of patriotic friendship, and no one obtains a place among us who has not a well-known attachment to the political rights of human nature and the liberties of this country. This indeed is our offence; but in this we glory. Privileged orders, aristocratical distinctions, and whoever or whatever has a tendency to injure or destroy the constitution or union of the States, we will, we do oppose.

"We support the Republican administration of the Union. We wish State rights to be kept inviolate, and the good people of this country to enjoy to the latest generations those civil and religious rights which nature and nature's God designed for their enjoyment. Measures, not men, we admire; measures, not men, we support. Whenever men desert those democratic Republican principles dear to us, we desert them. And those men who support those principles are supported by us, let them be called by what name they may. . . .

"To be therefore a good democratic Republican; to be obedient to the laws; to fulfill the various duties of our stations as brothers and friends, is the same thing as to be a member of the Tammany Society, or Columbian Order. If we fail in these respects we are liable to expulsion from the wigwam; but if we continue to fulfill our various duties as Christians and as men, we hope ere long to be translated to that wigwam where the Great Spirit will be as a council fire, emitting light and love to every son of Saint Tammany; where that friendship and love begun on earth will be happily perfected in heaven, and where we will rejoice to embrace in our patriotic and philanthropic arms the whole human family."

But enough. These sentiments show the temper of the Republicans of that day, and contrast strangely with the views entertained by the Tammanyites of New York in our own times. We

have omitted all social and personal toasts, but of course "the fair" were not forgotten. Tammany was as loyal to the sex as it was to the country.

The Tammany Society in Ohio did not survive the dissolution of the old democratic Republican party. After the overthrow of the Federalists, and the "era of good feeling" succeeded the animosities of the campaign in which James Monroe was chosen to the presidency, there was no longer any need of this political organization, and without formal vote the society became dissolved. The members naturally drifted into other parties, as their preferences led them,—some into the Whig and some into the Democratic ranks. Those who favored a high protective tariff and a National bank voted with the Whigs, while those who opposed both, or believed in State's rights, and followed Andrew Jackson as their leader, became Democrats.

In the West the memory of Tammany speedily died out. There are many who never knew that it had "a local habitation and a name" outside of New York; yet in Massachusetts, Ohio, Pennsylvania and some other States it once had an active existence. Like the generations of men parties rise and fall. Death puts an end to old enmities and bickerings; but new occasions arise, and some now living may see both the Democratic and Republican parties of to-day replaced by other parties with new names to-morrow. Great truths, however, as embodied in the platforms of these parties, will not perish.

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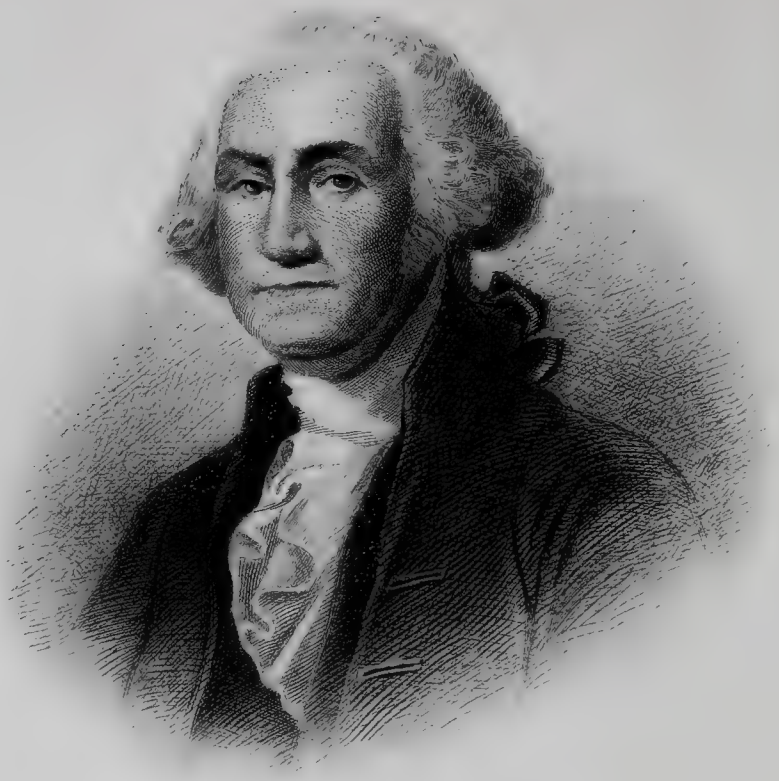
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George Washington

AMERICANA

October, 1913

Some Extracts From the Annals of the Pumpelly=Avery and Forsyth Families

BY JOSIAH COLLINS PUMPELLY, A. M., LL.B.

THIS family is a remarkable one, as it includes so many traceable lines of descent. Rev. E. M. Dwight when president of the N. Y. Genealogical and Biographical Society at Mr. Pumpelly's request wrote out for him the following statement:

"Josiah Collins Pumpelly was the 3d son of George and Susan Pumpelly and the grandfather of these two cousins was Sargeant John Pumpelly. His wife was Hannah Bushnell, (d. 1832). Her father was Zeriaah Lyman, (m. 1743), who was a direct descendant of Richard Lyman, (Hartford, Conn., 1640), whose ancestor was Sir Robert de Umfreville, who came over with William the Conqueror and obtained the liberty of Riddersdale, County of Northumberland, England. One of the Umfrevilles married Agnes Comyn (about 1289), and her father was Alexander Comyn, Earl of Buchan and Constable of Scotland, and his line goes back through Henry., King of France, (who married Anne of Russia), Charles the Bold, (875), and Alfred the Great, to Charlemagne, (d. 814).

On page 32 of "Genealogy of the Lyman Family, by Lyman Coleman, D. D., Professor of Lafayette College, Easton, Pa., (Munsell, Albany, 1872), we read:

"Thus the ancient and honorable lines of Lambert and Umfreville unite in the marriages of Sir William Lambert and Johanna de Umfreville, and they become the ancestors of the Lyman family by the marriage of their great-granddaughter with *Thomas Lyman*, Esq., of Navistoke, County of Essex, England, in the time of Henry VII., who died A. D. 1509. This (865)

Thomas Lyman becomes the great-grandfather of *Richard*, the *original* immigrant to America, the succession being, Thomas, Henry, John Henry, Richard."

The great-grandmother of Mrs. Charles Pumpelly, (Frances Avery, d. 1848), was Susan Palmes, (d. 1747), and she traces her lineage back through the Earl of Lincoln, Sir Richard Pole, (d. 1541), and Isabel Neville, wife of the Duke of Clarence, brother of Edward IV., to Richard Neville, Earl of Salisbury and Warwick—"the King Maker"—killed at the Battle of Barnet, 1471.

(See "The Complete Peerage," Vol. VII, page 37; Vol. VIII, pages 60-62.)

CONDENSED PEDIGREE

1. Josiah C. Pumpelly.
2. Susan Isabella Pumpelly, married George James Pumpelly.
3. Frances (Avery) Pumpelly, married Charles Pumpelly.
(See "Averys of Groton," page 583.) H. D. L. Sweet.
4. Samuel Avery, born 1697, m.
(See "Averys of Groton," pages 560 and 568.)
5. Humphrey Avery, m. Susan Palmes (she died 1747).
(See "Averys of Groton," pages 559, 560.)
6. Susanna Palmes, married Humphrey Avery.
(See "Averys of Groton," page 227. Lewis, "History of Lynn, Mass.," page 117. Savage III., page 344. "Humphrey Family," page 90.)
7. Ann Humphrey (or Humfrey).
(See "Humphrey Family," page 90. Savage III., page 344. Lewis' "History of Lynn, Mass.," page 117. Mass. Hist. Collection, Vol. V., pages 170, 171.)
8. Lady Susan Clinton.
(See "Humphrey Family," page 90. Savage II., page 496. "Lewis' History of Lynn," page 117. Hubbard's "Amended History of New England." Mass. Hist. Collec., Vol. V., pages 170, 171.)
(Martyn's "Pilgrim Fathers," pages 278-283.)
9. Thomas Clinton, Eighth Earl of Lincoln and Lord Clinton.
(Talton's "Hall Co., Lincoln." "The Complete Peerage," by G. E. Cokayne, Vol. V., pages 94, 95.)

10. Catherine Hastings.
("The Complete Peerage," Vol. V., page 94.)
11. Catherine Pole.
("The Complete Peerage," Vol. IV., page 288; Vol. V., page 94.)
12. Henry Pole.
("The Complete Peerage," Vol. IV., page 288; Vol. V., page 338.)
13. Sir Richard Pole, father of Cardinal Reginald Pole.
("The Complete Peerage," Vol. V., page 338.)
14. Isabel Nevil, of Warwick Castle.
("The Complete Peerage," Vol. II., pages 271, 272; Vol. V., page 338; Vol. VIII., page 63.)
15. Richard Nevil, (or Neville) (1428-1471). "The King Maker;" Earl of Salisbury, who married Anne, daughter and heir of Richard Branchamp, Earl of Warwick. (Coat of Arms in "Encyclopedia Britannica," Vol. XI., p. 708, and Coziur's Journal of Armory, New York. Richard Neville was the son of Richard Nevil (beheaded 1460) and grandson of Ralph Nevil, first Earl of Westmoreland, and great-grandson of John of Gaunt, Duke of Lancaster, by his second wife, Jean Beaufort, and great-great-grandson of King Edward III.
Richard Neville was called the "Last of the Barons" because he was the last of the great nobles in opposition to the Crown. He possessed a power almost royal; he put the Yorkist king on the throne. In 1460, he took Henry IV. prisoner, was defeated by Margaret in 1461, united with Edward IV. and entered London in 1461; opposed his marriage with Elizabeth Woodville and alliance with Burgundy. In 1469 took King Edward prisoner, but soon released him. Conspired with his own son-in-law, Clarence, against King Edward in 1470; Warwick fled to France; afterwards returned and drove the king to Flanders and restored Henry VI. to the throne same year. Was conquered by Edward IV. and lost his life at the battle of Barnet in 1471.

BASIL AND ROMANUS, EMPERORS AT CONSTANTINOPLE

The arms of the family are recorded and blazoned in the "College of Heraldry" of both Italy and France. John Meredith Read whose wife was Delphine, daughter of Harmon Pumpelly when he was Counsul General in Paris. The description of the Coat of Arms reads as follows:

Arms—D'arg., chausse d'azur. a un pal de gueule brochant sur le tout, charge d'une fleur-de-lis d'or, et accoste de deux roses du meme, posses sur l'azur au chef d'or, charge d'une aigle employee de sa. L'ecu somme d'un casque d'ecuyer ferme d'acier poli orne d'un bourlet. *Motto*: "Telle est vie."

Translation: Silver embossed with pale blue (a un pal de quenle) covering the whole, which has a gold fleur de lis with two gold roses on the blue and above on sand is an eagle with wings spread. The shield is surmounted with a helmet of a knight enclosed in polished steel ornamented with a (bourlet) lambrequin the color of the shield. Translated by Mrs. Col. Rush Hawkins, deceased. This record is in "Short History of the Ancestors and Founders of the Pumpelly Family by Major Harmon Pumpelly Read, F. R. G. S., Albany, 1893, and in Matthew's (London) American Armory and Blue Book.

ADDITIONAL EVIDENCE AS TO PEDIGREE

Both John D. Rockefeller and the late J. Pierpont Morgan are connected by descent with the Avery family of Groton and this line having been disputed in the public press Dr. Elroy McKendrie Avery, of Cleveland, an able historian and genealogist, decided the controversy by an exhaustive monograph on the subject, from which I quote as follows:

"George Plantagenet, Duke of Clarence," 24th generation, before whom came 23 generations, sixteen kings of England, one of Scotland and the daughters of a king of Castile, a king of France and an emperor of Germany, "married and had a daughter Margaret, Countess of Salisbury, who married Sir Richard Pole, K. G., and had a son Henry Pole Baron Montacato, who married Lady Neville, and his daughter Catharine Pole married

Francis Hastings, second Earl of Huntington, and had a daughter Catherine Hastings, who married Henry Clinton, second Earl of Lincoln.

Thomas Clinton, third Earl of Lincoln, their son, married and had a daughter Susan Clinton, who married General John Humphrey, sword-bearer of the Court of Justice of Trial of Charles I, and afterward Lieutenant Governor of Massachusetts. Their daughter, Ann Humphrey, married William Palmes, whose daughter Susan Palmes married Oct. 27, 1686, at Swanzy, Mass. Samuel Avery, born Aug. 14, 1666; their son Humphrey Avery, born July 4, 1699, married Feb. 5, 1724. *Jerusha Morgan*, whose son Solomon Avery, born June 17, 1729, married Hannah Punderson and had a son Miles Avery, born in 1769, at Norwich, Conn. He was a soldier in the Revolutionary War and married Malinda Pixley and had a daughter Lucy Avery, who married Godfrey *Rockefeller* and had a son, William Avery Rockefeller, who married Eliza Davison and had a son John Davison Rockefeller, born July 8, 1839."

John Pumpelly, the Revolutionary hero, by his second wife Hannah Bushnell had besides James Pumpelly my grandfather, a second son Charles Pumpelly, born in Salisbury, Connecticut, in 1776. He removed to Owego, N. Y., in 1803, where he married Sept. 2, 1803, Frances Avery, born Jan. 9, 1775, daughter of Samuel Avery, of Owego, N. Y. See JUNE AMERICANA, 1913, p. 516.

Samuel Avery, of Owego, N. Y., born at Groton, Conn., July 4, 1697, the father of Frances Avery, who married Charles Pumpelly, Sept. 2, 1803, was the son of Humphrey Avery, who was the son of Samuel Avery, who married Susan Palmes.

James D. Avery, of Groton, Conn., writes me that his "grandmother was the daughter of Capt. Wm. Latham, who had command at Fort Griswold. On the morning of the attack by the traitor, Benedict Arnold, on Fort Griswold Sept. 6, 1781. Nine Averys were killed in this one of the bloodiest battles of the whole war and six wounded. The names appear on the marble slab at the foot of the monument steps. Among the killed was Christopher Avery, cousin of my ancestor, Samuel Avery, on

this his 21st birthday. Sergeant Rufus, Peter and Caleb Avery were taken prisoners.

In the pamphlet "The Battle of Groton Heights," New London, Conn., 1894, Rufus Avery, a participant in the battle, gives a most vivid account of the tragic and bloody scene:

"When the enemy had overpowered us and driven us into the open parade and here they had a fair opportunity to massacre us as there were only 6 of us to a 100 of them. I saw the enemy mount the parapets like so many mad men. They swung their hats and then discharged their guns into the fort and then those who had not fallen by ball they began to massacre with sword and bayonet. I noticed Col. William Ledyard stepping towards the enemy gently raising and lowering his sword as a token of submission. I turned away and went to the door of the barracks and when I turned again I saw Col. Ledyard weltering in his gore. Oh, the hellish spite of and madness of a man who will murder a reasonable and noble hearted officer in the act of surrendering.

The wretch who murdered him exclaimed as he came near "Who commands this fort." Ledyard handsomely replied, "I did, but you do now," at the same moment handing him his sword, which the unfeeling villain buried in his breast. The British killed and wounded every man they possibly could and it was all done in less than two minutes. I had nothing to expect but to drop with the rest; one mad looking fellow put his bayonet to my side swearing "by Jesus he would skipper me." I looked him earnestly in the eyes and begged him to have mercy and spare my life. I must say I believe God prevented him from killing, for he put his bayonet three times into me and I seemed to be in his power as well as Lieut. Enoch Staunton, who was stabbed to the heart and fell at my feet."

Frances Avery Pumpelly, my grandmother, was the daughter of Samuel Avery, who was the son of Humphrey Avery, whose father was Samuel Avery,¹ whose wife was Susannah Palmes,² the daughter of William Palmes, Gent, of Ardfinnan, Province of Munster, Ireland. I can in no way better describe the ances-

1. Page 558, No. 9, Swift's "Averys of Groton."

2. Ibid, p. 557.



Pumpelly Homestead, Owego, N. Y.



Avery Homestead, Groton, Conn. Erected 1654, burned July 30, 1894

tral line of this lady, my ancestress, than by the following extract from the book mentioned above.

“The ancestral line here presented embracing thirty-four generations, or from the King Egbert to the present century, is a record of historic facts verified by proof; for so much thereof as comprises the interval of time between the reign of Egbert and the arrival of Lady Susan and her husband, Gen. John Humphrey, in Massachusetts Bay, is the well authenticated record given by Burke in his ‘Peerage of Great Britain,’ a work repeatedly approved and accepted by the courts of record in England as furnishing the best evidence; while remaining or American part of the same is as fully and satisfactorily established by the original official records and other documentary proofs in the State Archives of Massachusetts and Connecticut and elsewhere, much of which is here incorporated in the form of foot-notes.

“No more than a casual glance along the line of the ten centuries here given is necessary to discover a notable array of sovereigns, soldiers, and statesmen famous in British or European history. Without attempting to show an exhaustive list of these historic personages, a few of the more renowned among them may here be pointed out.

“And first are noticed sixteen of the early rulers of England, which trace back to Wodin, master of a considerable part of the north of Europe in the 3d century, then to Cerdic, the first king of the West Saxons. From Cerdic to Egbert, the eleventh in descent namely: Egbert, Ethelwulf, Alfred, Edward the Elder, Edmund I., Edgar the Peaceable, Ethelred the Unready, Edmund Ironsides, William the Conqueror, the first two Henrys, John, Henry III., and the first three Edwards. But Edward III.,³ was the son of Isabella, daughter of Philip the Fair, King of France, who descended from Hugh Capet, and so back through ‘Hugh the Great,’ Robert King of France, to Robert Count of Anjou; also nine intervening French kings, among whom were Robert II., Philip Augustus, Louis VIII., and St. Louis.⁴ The last is not the only saint who figures in this pedigree. The

3. See Pedigree of Alfred Tennyson.

4. See “Ancestry of Benjamin Harrison,” by C. Kieth.

mother of Edward II. was Eleanor, daughter of Ferdinand III., King of Castile and Leon, who was canonized by Clement.

"Again, through Richard of Connigsburg, Earl of Cambridge, whose mother was Isabel, daughter of Peter the Cruel, the line of descent is direct from Sancho the Great and Alphonso the Wise. Other crowned ancestors were the Emperor Frederick Barbarossa, and several kings of Scotland, notably Malcolm III., and 'the gracious Duncan' his father.

"Finally, the Shakespearean gallery is, in truth, crowded with the portraits of those found in this line of ascendants; e. g., besides those already mentioned, Lord Hastings; George Duke of Clarence; Richard Plantagenet, 'the Yeoman;' Edmund Mortimer, Earl of March; Edmund of Langley, Duke of York, and Lionel of Antwerp, Duke of Clarence.'"⁵

John Winthrop, then Governor, and John Humphrey, Deputy Governor of Massachusetts.

Now to continue the line of descent in America.

The son of Christopher Avery, born in England, 1590, was Capt. James Avery, born in England, 1620,⁶ properly the founder of the family we call "the Averys of Groton."

He was a Colonial soldier who commanded valiantly the Pequot allies in the Great Swamp Fight in King Philip's war, 1673.⁷

In a "Fragment of King Philip's War," (Philip of Pokanoket Chief of the Wampanoags) we read that December 18, 1675, the colonial forces assembled at Petaguamscut, and marched eighteen miles through the snow, reaching at daybreak a swamp which the Narragansetts had made a final stand on a piece of firm ground, putting up a palisade, surrounded by a fence of trees a rod in thickness, the entrance being along a single log thrown from the shore of the encompassing pond. Capt. James Avery with his "Pequots" and Capt. George Denison, called the "Miles Standish of Connecticut," with his brave Americans, soon found another and vulnerable way to approach the fort, and were soon in the stronghold of the enemy, dealing destruc-

5. See "Williams-Walworth Genealogy," by A. H. Wright.

6. See Swift's "Averys of Groton," pp. 14, 27, No. 9.

7. Ibid, p. 21. Hubbard's "History of Connecticut," pp. 56-60. Trumbull's "History of Connecticut," pp. 165-169 (56).

tion everywhere. This the "Great Swamp Fight" of December 19, 1675, was one of the decisive battles of our history, for the Indians never recovered from the fatal blow.

Thus my ancestor and other patriots, taking down musket and pouch from the chimney, went forth on those dark winter days to face the Indian gun and arrow with the same spirit that their fathers had faced the dangers of nonconformity in England.

My grandmother's father, Samuel Avery, son of Humphrey Avery, was a large landowner in Vermont in 1777, and the records of the State show he "served as a private in Col. W. Williams' regiment of militia."

About 1803 he moved to near Owego, where the rise in land values and an extensive law practice brought him to affluence.

He was at his death one of the most popular and wealthy men in that part of the State.

There was also a branch of the Averys, a prominent family, at Morganton, North Carolina.

Waightstill Avery (1745-1821), the head of the North Carolina branch and signer of the Mecklenburgh Declaration of Independence, was a brother of Samuel Avery and was uncle to my grandmother and my great-great-uncle. Waightstill's grandson of same name was a Senator in the Confederate Senate.

Col. Waightstill Avery fought a duel in 1788 with General Jackson and an account of the same by F. A. Olds, taken from Harper's Weekly of Dec. 31, 1904, is given herewith.

"The writer has secured from ex-Associate Justice A. C. Avery, of Morganton, North Carolina, a document which is of very marked interest. It is a challenge to a duel, sent by General Andrew Jackson to Colonel Waitstill Avery, the grandfather of ex-Judge Avery. Both Jackson and Avery were men of the highest degree of bravery, and, in fact, it has been said that neither knew what fear was. There are some errors in spelling in the challenge, and in the date, which is August 3, 1788. The challenge has a postscript, and, like the postscript of a woman's letter, it is short, but one of the most important parts of the document. In those days in North Carolina there were large gatherings at the courts, and the tilts between counsel were listened to with great eagerness. In this case there was a large audience,

and Colonel Avery, who had figured in the War of the Revolution and in the troubles with the Indians on the western border, used language which Jackson took to be insulting. The challenge is in these words: "When a mans feelings & charecter are injured he ought to seek a speedy redress; you reed a few lines from me yesterday & undoubtedly you understand me. My character you have Injured; and further you have Insulted me in the presence of a court and a larg audience. I therefor call upon you as a gentleman to give me satisfaction for the same. I further call upon you to give me an answer immediately without Equivocation and I hope you can do without dinner until the business is done; for it is consistent with the charecter of a gentleman when he Injures a man to make speedy reparation; therefore I hope you will not fail in meeting me this day from yr Hbl. St.

Yrs.

ANDW. JACKSON.

COL. AVERY.

"P. S.—This Evening after court is adjourned."

The facts relating to the trouble between Jackson and Avery were told to Colonel A. C. Avery by his father, Colonel Isaac T. Avery, who was the only son of Waitstill Avery. When the latter practised law in Mecklenburg County, North Carolina, he and young Jackson were well acquainted. Avery was elected, in 1777, the first Attorney-General of North Carolina. He afterwards married a lady who lived near Newberne, in Jones County, and soon after this marriage resigned and settled in Jones, becoming colonel of that county's regiment of militia. His command was not in active service during the Revolution, except in some occasional troubles with the Tories, until it was called out when Lord Cornwallis invaded North Carolina. He remained on duty from that invasion until the close of the war. His family was sent, in charge of Mr. Williams (the father of a well-known banker of that name of Charleston, South Carolina) to Burke County. Avery continued, when not prevented by public duties, to practise law in Mecklenburg, Rowan, and in the new county of Burke, which was established in 1777. He secured the passage of a bill creating the county of Washington, which embraced the whole State of Tennessee, and then became the lead-

ing member of that bar, at Jonesboro, which was the county-seat. At the close of the Revolutionary war Andrew Jackson went to Burke County and applied to Waitstill Avery to take him as a boarder at his country home and instruct him as a law student. Colonel Avery told him he had just moved to the place, and had built nothing but cabins, and could not grant his request. Jackson went to Salisbury, studied law there, and settled at Jonesboro, until the new county of Davidson (with Nashville as the county-seat) was established, Nashville becoming subsequently the capital of Tennessee. Just before the challenge to fight was sent by Jackson, Avery appeared in some lawsuit at Jonesboro as opposing counsel to Jackson, and ridiculed the position taken by Jackson, who had preceded him in the argument. Jackson considered the argument insulting and sent him the challenge. Colonel Avery was raised a Puritan. He graduated at The College of New Jersey with the highest honors in 1766, and remained there a year as a tutor, under the celebrated Jonathan Edwards and the famous Dr. Witherspoon, who signed the Declaration of Independence as a representative from New Jersey. Avery was a Presbyterian, and was opposed on principle to duelling, but he so far yielded to the imperious custom of the time as to accept the challenge and go to the field, with Colonel, afterwards Governor, Adair of Kentucky as his second. After the usual preliminaries he allowed Jackson to shoot at him, but did not return the fire. Thereupon, having shown that he was not afraid to be shot at, Avery walked up to young Jackson and delivered a lecture to him, very much in the style a father would use in lecturing a son. Avery was very calm, and his talk to the brave young man who had fired at him was full of good sense, dispassionate and high in tone, and was heard with great attention by the seconds of both parties, who agreed that the trouble must go no farther, but should end at this point, and so then and there a reconciliation was effected between these two brave spirits. Colonel Avery took the challenge home and filed it, as he was accustomed to file all his letters and papers, endorsing it, "Challenge from Andrew Jackson." This endorsement appears upon the back of the paper.

In this connection it is interesting to know that there has been

quite a dispute between North Carolina and South Carolina as to which State was really the birthplace of Jackson, but this is settled conclusively, upon the evidence of surveyors, which shows that the Jackson log-cabin, in which the great old soldier was born, was on the North Carolina side of the settlement then and yet known as the "Waxhaws."

In spite of the Civil War the Pumpellys always kept up their interest for these cousins who fought and lost so much in the service of the Confederacy, also for my father's classmate at Yale, Josiah Collins, A. B. 1826, A. M. 1829. of Lake Scuppernong, Washington Co., N. C., after whom I was named.

"Uncle Joe," as I called him, was a rich planter before the war, owning 400 slaves and 25,000 acres of land and his "Collins' Corn" stood first in its class in the Norfolk market. With heart and soul Uncle Joe gave up everything for the cause of the Confederacy and when the tide turned against the South he died of a broken heart in 1863. Of course my family did all they could to aid these good people, though rebels to the core, for they were our relatives and dear friends all of them.

The country about the Pumpelly home in the valley of the Susquehanna at Owego, N. Y., is of a varied and pleasing character.

It was this picturesque beauty that attracted the attention of James McMaster when a Continental soldier he came there in General Clinton's army in 1777 and then destroyed an Indian village. Noting its beauties he came there again in 1784 and made his home.

Of this Susquehanna country N. P. Willis, who lived on one of the Pumpelly farms thus writes:

"Here are mountains that to look at but once, become a feeling—a river at whose grandeur to marvel at and a hundred streamlets to lace about the heart. Here are sunny farms walled in by glorious mountain sides, by their wondrous outlines giving a perpetual refreshment and an hourly changing feast to the eye—in those valleys man's household gods yearn for an altar. Here indeed is assembled together in one wondrous center a specimen of every most loved lineament of nature."

And of course the dominant note in all this concourse of harmonies was the winding Susquehanna; and for us boys it had a

character and a voice of its own and was full of good fellowship. In the spring the war of its freshet and cracking of the down rushing ice and then the swiftly gliding arks and lumber rafts and the songs of the hardy lumbermen was all an ever occurring revelation and excitement.

Then in the summer we bathed in its clear cool depths, boated and fished in its currents, while in the autumn we gazed wonderingly at the gorgeous crimsons and scarlets which in all their brilliancy of coloring were reflected from the wooded hillside in the river's placid depths. And when winter came we joyously sped away on our skates for miles over its ice clad current.

In the light of memory these scenes come back to me with an intensity and power no words can describe and I thank God for this "greenwood of the soul," and for all the sweet and uplifting home influences which so closely surrounded my young manhood in those sunlit days. Precious indeed is the remembrance of lovable men and women relatives and friends who I met in those home festivities wherein my parents presided so gracefully.

My mother's sisters, Harriet, Stella, Francis, Caroline and Lilla, and his own sisters, Mrs. Platt and Mrs. Lovejoy, were all delightful and accomplished persons, and Lilla especially was a beautiful pianist and her sisters sang delightfully the English and Scotch songs then so much loved.

And when they and their husbands, Hon. Theodore Frelinghuysen, Hon. J. M. Parker, M. C., Judge J. S. Bosworth, of New York, Judge Forsyth, of Troy, also Hon. Charles Avery, witty bachelor and faithful historian of Tioga's early history, and my great-uncle, Harmon Pumpelly, of Albany, and his lovely wife, were father's guests in the big dining room in the homestead, which Dr. Crosby called the handsomest colonial mansion in the whole southern tier, then indeed there was a "feast of reason and flow of soul."

Not only the ties of blood but that of Christian fellowship and bounteous hospitality made these meetings most delightful. Never since have I eaten such Southdown mutton, such part-ridge and venison and delicious home cured hams, pickles and sweets. Each family was proud of its housekeeping triumphs,

and that indeed was the day of the real epicure for nature and the farm was so generous and free with its riches. We had not to count the cost then as we do now in this day of canned everything.

Sometimes our cousin Raphael Pumpelly, mining expert and archeologist, or Prof. Goldwin Smith, or Horace Greeley, or Millard Filmore, or Sam'l Hanson Coxe and his son, the poet Bishop, or Bishop DeLancey, was one of our honored guests, and then it was an occasion of not only pleasure but instruction for us all.

As to Professor Raphael Pumpelly we feel it due to his high acquirements, irrespective of his relationship to the author, to insert here an extract from "American Makers of the New Japan," by the Rev. Dr. William Elliot Griffis as it appeared in the *Century Magazine* for July, 1913.

The author of this most enlightening article, referring to Japan's need in the last century to look for wealth in her mines, says, "It was as Nicodemus by night that high-bred men, shuddering at the necessity of it, came to Mr. Harris to ask for American mining engineers to prospect for gold.

"In 1861 with appalling promptness arrived Messrs. William Phipps Blake and Raphael Pumpelly. Then the frightful problem of etiquette at once upreared itself. Should they be received as mechanics in overalls or as subalterns in an embassy?

"The answer to the question referred to Mr. Harris was startling. In America the president of the United States would receive them as equals.

"That settled it."

As to the splendid work these men accomplished the writer says: "Pumpelly taught blasting and incidentally lighted the fuse that blew up feudalism. Pumpelly builded better than he knew, healing an age long breach between honor and toil. Without knowing it he ushered in a new industrial era."

This well deserved praise from one of the most famous of those "American Makers of the New Japan" bring up the memory of the return of my travelled cousin from the Chrysanthemum land and of the pleasure we had in examining the superb

swords and other unique gifts presented to him by the government he had served so well.

We copy from *Who's Who in America* this brief resume of his life and works:

PUMPELLY, RAPHAEL, author, geologist; born, Owego, N. Y., September 8, 1837; son William and Mary H. (Welles) P.; educated Owego Academy and private schools; studied sciences and mining engineering, 1854-60, in Paris and at Freidberg, Saxony; married Eliza Frances Shepard, October 20, 1869. Made geological explorations in Corsica; had charge of mines in Arizona, 1860-1; made scientific explorations for Japanese Government, 1861-3; private geological expedition through Central, Western, and Northern China and Mongolia, 1863-4; explored Northern coal fields for Imperial Chinese Government, 1864; journey of exploration across the Gobi desert, returned to Europe through Siberia, 1864-5; professor mining, Harvard, 1866-73; state geologist, Michigan, 1869-71; director Missouri Geological Survey, 1871-3; chief of division United States Geological Survey, and in charge of mineral industries tenth Census, 1879-81, 1884-91; organized and directed Northern Transcontinental Survey, 1881-4; made the exploration of discovery inaugurating the development of the iron-ore industry of most of the iron-ore ranges of Michigan and Western Ontario, 1867-1901; initiated and directed a physical-geographical and archaeological exploration of Central Asia, 1903-4, under auspices of Carnegie Institution of Washington. Member National Academy of Sciences; president Geological Society America, 1905; member S. R. Clubs: Authors, Century, University. *Author*: Geological Researches in China, Mongolia and Japan, 1866; Across America and Asia, 1870; Geology of the Copper District of Michigan, 1873; Iron Ores and Coal Fields of Missouri, 1873; Bulletins and Maps of the Northern Transcontinental Survey, 1882-3; Mineral Industries of the United States, Vol. XV, 10th Census, 1886; Geology of the Green Mountains, 1894; Explorations in Central Asia, 1905; Prehistoric Civilization of Asia, 1908." Mr. Pumpelly's New England homes are at Dablin, New Hampshire, and Newport, Rhode Island.

The homestead is now owned and occupied by my cousin,

whose mother was Lilla Pumpelly Forsyth. The account of the ancestry of Mr. Forsyth is very interesting.

Genealogical, Biographical Data Relating to the Families of Fronsac and Forsyth, by Josiah C. Pumpelly, A. M., LL.B.

Not long since there called upon me a Mr. Frederick Gregory Forsyth, Viscount de Fronsac, and free Baron of Dykes County, Lanark, Scotland. Residence, Huntington Province of Quebec, Canada. He said he was related to my cousin, James Forsyth of Owego, and then proceeded to give me much interesting data.

The ancestor of this family in America was the Hon. Matthew Forsyth, born in Ayr, Scotland, who settled in Chester, N. H., in 1732. His childhood and early manhood was passed in Ireland, where his father, Captain James Forsyth, in 1689, fought with other Scottish settlers for self-preservation against the native Irish Catholics, who sided with King James. And as a result of this fight the Williamite parliament so harassed these Scots of Ulster that they were forced out of Ireland to America and here at Bunker Hill and Bennington and Saratoga, they took a substantial revenge upon their English enemies.

The Hon. Matthew Forsyth married in Ireland, Esther, daughter of Robert Graham, who came with Forsyth to Chester, N. H., in 1732. In 1742 Forsyth brought over his family and his family plate stamped with his shield and cypher.

He established a saw, grist and woolen mill. He was the leading deacon of the Presbyterian church and his wealth, accomplishments and education, with his feudal ancestry, placed him alone in the lead in all matters representing the rights and privileges of the colony.

Through the death, in 1732, of a relative in New Brunswick, part of Acadia, Forsyth became heir to the Seigneurie of Fronsac, a name chosen from the name of the district, and viscounty wherein had been built (on the tetro or hill of Fronsac) the Castle of Forsyth, or Forsath by Charlemagne, King of the Franks in 789 A. D.

One of the King's family was the mother of the first lord of Forsyth, Viscount de Fronsac.

In Froissarts Chronicles of the Middle Ages the above named

castle is mentioned as situated in Aquitaine, twenty miles above Bordeaux on the river Dordogne.

The Cadet de Forsarth who accompanied Eleanor of Province to England in 1224 and married King Henry, and their son, Publis, Scotland, and descended from this William by Robert, whose son Osbert fought at Bannockburn for the independence of Scotland; was David Forsyth, baron of Dykes, and so the line comes down to Captain James Forsyth and his great-grandson the subject of this sketch.

At the outset of the Revolution, Matthew Forsyth was chosen president of the Chester Committee of Public Safety. He aided in organizing the Chester Company of Colonel Stark's 1st New Hampshire Regiment. Also he was one of those Scottish *associates* who were ardent to have the exiled king, formerly "Prince Charlie" of 1745, come across the sea and raise his standard in America in the cause of the integrity of the American provincial charters.

These Scottish associates took as their badge the white cockade and the mountain eagle in memory of the white cockade of the Stuarts and the Order of the Mountain Eagle founded by "Prince Charlie" the eagle being on the arms of the family of Dr. Ergardia, Lord of the Isles, of which King Robert Bruce was a scion.

One of these eagles worn at Bunker Hill in 1776 is in a public historical collection in Boston.

Matthew's nephew, Major Robert Forsyth, who had been deputy quartermaster general of the southern army in 1778, settled in Georgia and accepted the post of United States marshal. His son, John Forsyth, Governor of Georgia, Minister to Spain, U. S. Senator, etc., was secretary of state of the United States from 1834 to 1841. He introduced the culture of Nankin cotton in America.

The governor's son, John, was Chief of staff of the Confederate Army of Tennessee.

An uncle of Matthew, Captain Alexander Forsyth, who came to Boston in 1716, was Indian Commissioner and Commissioner to plan the fortification of Boston Harbor. He went back to Scotland in 1763.

The following is the record of Matthew Forsyth's children:

1. Dr. Matthew was a physician in the Royal French Navy before 1774.

2. David, an ensign, was killed at Ticonderoga, in 1777.

3. Jonathan was one of the Chester company; was wounded and died in 1778.

4. William was an ensign in War of 1763, minuteman in 1776, and through him the de Fronsac possessions devolved with seigneurial rights in Canada, which have been maintained by his descendants to the present day.

5. Josiah was a lieutenant in the Revolution.

6. Robert was also a lieutenant in the war and his son, James, was father of James, whose son, James Forsyth, of Troy, married my aunt, Lilla Pumpelly, and it is their only child, James Forsyth, who now occupies the beautiful colonial homestead built by his grand-uncle and my grandfather, James Pumpelly.

In addition to this information, Frederick Gregory Forsyth, Viscount de Fronsac, who is the son of Captain Frederick and grandson of William Forsyth, read to me the following original verses which he had put to music and which he played for me on the piano.

The name of the song is,

“WHEN SCOTTISH KINGS”

“When Scottish Kings came down by right
 To sit on Britain's throne
 They drew the plan of empire's might
 To reach through every zone.
 And all their feudatories grand
 With swords that flashed in air
 Swore by their feudal fame the oath
 The king should find them there.

II

Despite the ills of faction's strife
 That parliaments have brewed,
 Where all the traitor plans are rife

That demagogues have strewed
The sons of feudatories grand
Whose swords had flashed in air
Swore by their fathers' fame the oath
The king shall find them there."

In this day of democratic and anti-monarchical sentiment, it is a surprise to meet with a person like this Viscount, who speaks and writes as a devoted monarchist and an opponent of just that sort of virile American republicanism which I myself, as well as his and my cousin, James Forsyth, believe to be the best basis for a stable and lasting form of government.

This is a bit of history which will, I believe, interest many in Owego who have known my cousin not only as their friend and one time Mayor, but as one of the most enthusiastic farmers in the whole southern tier.

A Latin Life of Washington

A LITERARY CURIOSITY WITH A CURIOUS HISTORY

CONTRIBUTED BY WILLIAM NELSON, A. M., LL.B.

Secretary of the New Jersey Historical Society and Member of the American Historical Association, American Anthropological Association, American Antiquarian Society; the New York, Pennsylvania, Alabama and Minnesota Historical Societies, and Corresponding Member of the New York Genealogical and Biographical Society, and of the New England Historic Genealogical Society

WHILE the country in this Centennial decade is more than ever disposed to look back with interest and admiration upon the men who a century ago were instrumental in securing American Independence, the most striking figure of them all being that of him whose birthday the Nation has so recently celebrated, and with such unusual *éclat*,—this seems a fitting time to recall to public notice a book for many years past out of print, and scarcely to be found except in the collections of those fond of gathering literary curiosities. This work is a life of Washington, written in Latin. It was published by Harper Brothers in 1836, the title page proper running thus:

“GEORGII WASHINGTONII, AMERICAE SEPTENTRIONALIS CIVITATUM FOEDERATARUM—PARESIDIS PRIMI, VITA, FRANCISCO GLASS, A. M., OHIOENSI. LITTERIS LATINIS CONSCRIPTA. NEO-EBORACOPOLI: TYPIS FRATRUM HARPERORUM. VENALIS PROSTRAT APUD OMNES BIBLIOPOLAS. MDCCCXXXVI.”

The work is edited by J. N. Reynolds, who tells a remarkable story about it. It seems that one Francis Glass, who was enthusiastically devoted to Greek and Latin, by an unfortunate marriage and a series of consequent troubles under which he was not strong enough to bear up, was reduced to earn a living by teaching in a dilapidated log hut in Ohio, thirty miles from Cincinnati, where he was found by Mr. R. in 1823. That gentleman taking lessons of the obscure pedagogue was informed of his ambition to write a Latin biography of Washington. He gave him the facilities to realize his wish, and nine months later saw it accomplished, though it was more than ten years after it was published. The work is a duodecimo of 285 pages, 200 devoted to the Life, 60 to a vocabulary, and the rest to prefaces, sketch of Mr. Glass, etc. Appended are letters from Prof. Charles Anthon, Prof. John Maclean, Prof. James W. Alexander, Wm. A. Duer, Jared Sparks, John Quincy Adams and other famous scholars of that day, speaking very favorably of the execution of the work, and commending its use as a text-book in the schools. So much for the history and character of the volume. Now for its contents.

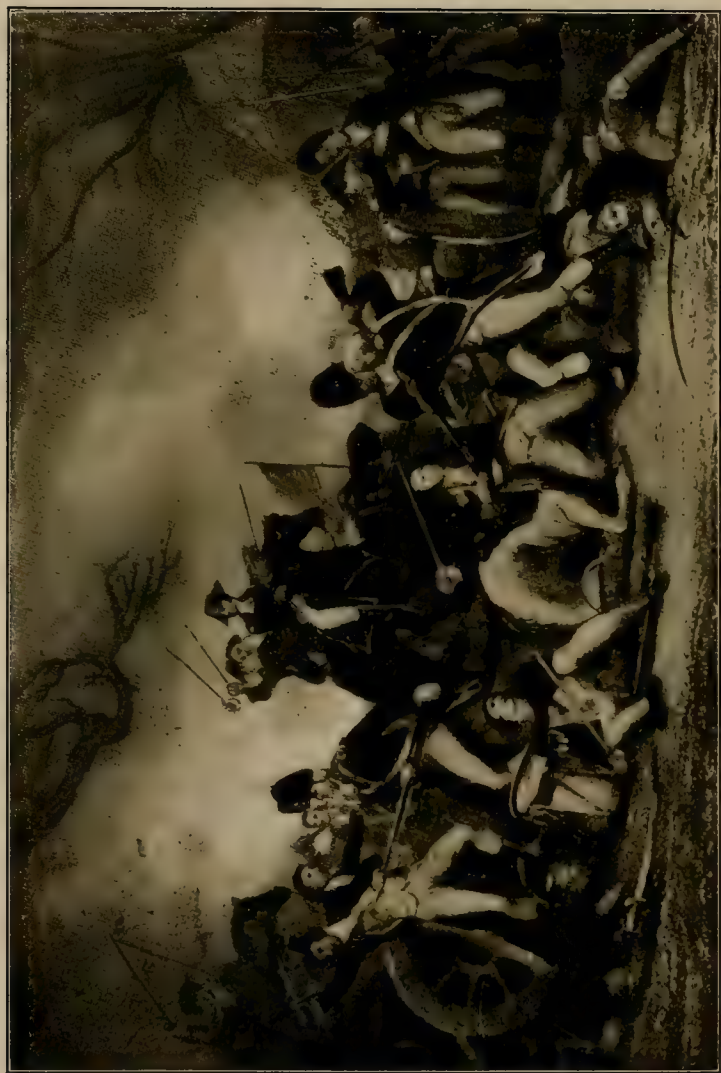
The author plunges at once into his subject by informing us that "in Virginia, tunc temporis regni Britannici provincia, octavo kalendas martii, annoque salutis millesimo septingentesimo et tricesimo oecundo, dux inclytus noster, patriæ decus, Georgius Washingtonius natus est. Avi atavique Angli erant, pater autem Virginiensis, qui, uxore priore fatis abrepta, alteram duxit, è qua vitam accepit Washingtonius." (1) A page brings us to his services against the French, under the auspices of "Gubernator Virginiensis, Dinwiddie nomine," and half a dozen pages further on is told the story of that "stragis terribilis exercitui"—that unfortunate ambush and slaughter of Braddock's army when marching against "propugnaculum Duquesne." "Perbrevis omnes ducis adjutores aut vulnerati, aut occisus sunt, Washingtonio excepto. . . . Equi, duo, quibus inisdebat, glandibus plumbeis, suffossi fuere; quatuorque glandes plumbeæ per tunicam transiere, attamen incolumis evasit, omnibus aliis præfectis aut interfectis, aut graviter vulneratis." (2) He "contra Gallos Indosque in finibus pugnat,"

and then, being exhausted and his lungs affected, “*ineunte vere anni millesimi septingentestimi quinquagesimi noni, imperio se abdicavit, Vernoriumque ad montem secessit. . . . Post biennium, valetudine sanoire usus, viduam, guadentem nomine Custis, uxorem duxit. Domina hæce Washingtonio æquæva fuit, tamque animi dotibus, quam corporio forma, inter populares eminuit.*” (3) Next the “*belli Americani causæ*” are briefly described, and the “*pugna Lexingtoniensis*” and the “*collis Bunkerii prælium memorabile.*”

Washington representing Virginia “*in colonarium fœderatarum Congressu,*” was appointed “*ad Americani exercitus summum imperium, remine contradicente.*” The progress of the war is then rapidly sketched: the evacuation of Boston, how “*Dux Howe insulam Staten capit,*” the “*in jusula Longa prælium adversum.*” But on the 4th of July of the same year the great and irrevocable step was taken. “*Colonias fœderatus, liberas, supremas, suisque, viribus innitentes esse decernit Congressus.*” The scene of action shifts for a time to Canada, invaded “*ducibus Schuyler et Montgomery,*” and oppidum Montis Regii captum est.” “*Howe, imperator Britannus, spe priori destitutus, totam belli gerendi rationem mutare decrevit,*” (4) being emboldened by the defeat of the Americans on Long Island. “*Novam, deinceps, Cæsaream, invadere aggressus est. Quo consilio cognito fluvium septentrionalem Washingtonius trajecit. Ad Gulielmum Livingstonum Cæsareæ Novæ Gubernatorem literas scripsit*” (5) urging him to call forth the militia, and commanded that the cattle and prisoners be removed to the interior of the province. “*Sub hoc tempus, propugnaculum Washingtonium expugnatum ets præsidiumque,*” 2,000 men, taken “*a Britannis.*” (6) In consequence, “*hoc propugnaculo capto, aggerem Lee, litore Cæsareæ situm, vacuare decretum: at priusquam apparatus bellicus amoveri poterat Cornwallis, comes Britannus, cum sex hominum millibus flumen septentrionale, trajecit. Hic fluvius Cæsaream Novam a Neo-Eboraco dividit.*” (7)

Then followed Washington’s discouraging retreat through the Jerseys:

“*Washingtonius pedem retro tulit, et ad ripas Hackensackii consedit. Locus, quem jam occupabat, isti, quem reliquerat, fere*



Battle at Princeton. Painted by John Trumbull

similis fuit: intersepiri, enim, flumina inter Hackensack et Passaica, facile poterat. Appropinquantibus igitur, hostibus, sese Novam Arcam recepit, ubi aliquamdiu commoratus, quasi cum Comite Cornwallis, si opus fuerit, dimicaturus; at ob exercitus infermitatem, Brunsvicum, die quo, Comes Cornwallis Novam Arcam intarat, sese contulit. Brunsvico copias castra movere jussit Washingtonius, manipulumque præmisit, quasi cum hostibus configendum sit Nec locum liunc prius reliquit, quam Britannorum acies prima in conspectum venerit. Dominus Stirling, hostium motus observandi causa, Princetoniæ relictus est, cumque copiis reliquis Trentoniam Washingtonius tendebat; ubi gradum sistere constituit. Scaphas omnes et navigia, quæ ad ripas fluminis Delawariensis deligatæ sunt, colligi et custodiri jussit, impedimenta que et omnem belli apparatus trans flumen convexit," and, "die Decembris octavo, Americani, ad unum incolumes, flumen Delawariense transiere." (8)

The battle of Trenton, which shed such a gleam of light on the patriot cause, is tersely described: "Flumen Delaware denuo trajicere, hostesque at ripam fluminis alteram aggredi decrevit. Mensis Decembris die vigesimo quinto, sub noctem, tripartito, flumen trajiciendi, consilium cœpit perfectitque. . . . Quocirca hostium mille sese Washingtonio eo die dediderunt." (9)

The narrative proceeds, speaking of the battle at Princeton and New Brunswick, and other operations of both armies; Burgoyne's capture of Ticonderoga and Gates's surrender, which victory "per civitates Americanas universas gaudium ingens excivit." Then came "plures, sani, Galli, nobiles domi, pro libertate Americana sese insigniverant. In his præcipuus fuit Fayette, Gallus nobilis," who is eulogized handsomely in the stately language of Rowe. "Ineunte anno millesimo septingentesimo septuagesimo septimo, mense Januario, Morristoriam, oppidulum Nova Cæsarea situm, ut exercitui nudo perfrigium præbereter, Washingtonius recessit." (10)

The foregoing extracts are sufficient to show the style of the work, and are fair samples of the author's Latin. We may skip the rest of the war record to briefly pursue the subsequent career of the hero, who having retired for a few years to "Mons Veronius," was called thence in 1789 to be "Præsides primus,"

and was sworn in at New York by Chancellor Livingston. Then came the selection of a Cabinet, about which he was as much troubled as most of his successors have been, but he arranged it thus: "Alexandrum Hamiltonium, tribunum, ærario præfecit. Rerum exteris cum nationibus gerend arum curam Thomæ Jeffersonio tradidit. Dux Knox bello præpositus. Edmundum Randolphium causarum publicarum procuratorem constituit. Hi præsidis primi consilii intrinseci erant." (11) Has any President ever had better?

Of Washington's administration it is needless to speak. After serving two terms he refused a third election (which none of his successors ever had had the opportunity of doing, and retired full of honors to Mt. Vernon. After two years of peace there, December 23, 1799, his "cervix et capilli pluvia tenui conspergebantur, dum, rebus rusticis quibusdam intentus, agrorum cultum in majus promoveri voluit. Nocte insequenti, gulæ inflammatione correptus, dolore maximo, haustusque difficillimo laborans, vena ante lucem incisa fuit." (12) A physician came about 11 a. m., but his efforts were vain, "enim, horas viginti quatuor, postquam accessit morbus, placida morte obiit dux inelytus, pater patriæ, genesis humani ornamentum et decus." (13)

The character of Washington is then analyzed and his greatness shown. Brief notices follow of other American Generals who distinguished themselves during the Revolution, there are a few pages on the proper mode of teaching the ancient languages, and the volume closes with an excellent vocabulary of sixty pages.

The ingenuity the author has displayed in expressing modern ideas in Latin is worthy of notice. For example: tormentum ignivomum, a fire-vomiting machine, a canon. Glans plumbea (glandes plumbeæ), leaden pellets, i. e., bullets. Miles gregarius, a common soldier. Naves longæ, ships-of-war. Trajectus, a ferry; Tremebundi, tremblers, Quakers. And here are some of the titles: Dux, General; Tribunus, Colonel; Legatus, Lieutenant-Colonel; armarum publicorum curatores, Quartermasters or Commissaries.

From the above it will be seen that the "Washingtonii Vita"

is at least a remarkable curiosity of literature, whatever else may be said of it.

For the benefit of those whose knowledge of Latin is rusty, translations of the principal quotations above are appended:

(1) "In Virginia, then a province of the British Empire, on Feb. 22d, A. D. 1732, George Washington, our glorious leader, the honor of his country, was born. His grandfathers and their ancestors were English, but his father was a Virginian, who, his wife being early snatched away by the fates, married another, who gave birth to Washington."

(2) "Soon all the *aides-de-camp* save Washington were wounded or slain. Two horses were shot under him and four bullets passed through his coat, yet he escaped unhurt, while all the other aids were killed or badly injured."

(3) "In the early part of 1759 he resigned his command and retired to Mt. Vernon. Two years later he married Mrs. Custis, who was of his own age, and was distinguished for her charms of mind and person."

(4) "The British General Howe, his expectations being disappointed, decided to change the plan of carrying on the war."

(5) "He attempted to invade New Jersey (the island of Jersey off the English coast was called *Cæsarea* by the Romans; hence New Jersey is called *Nova Cæsarea*). Washington hearing of this crossed the North (or Hudson) river, and wrote to Gov. Wm. Livingston," etc.

(6) "About this time Fort Washington was attacked and the garrison captured by the British."

(7) "This Fort being taken, Washington decided to evacuate Fort Lee on the Jersey shore; but before he could remove his war ammunitions, Lord Cornwallis, with 6,000 men, crossed the North river. This river divides New Jersey from New York."

(8) "Washington retreated and encamped on the banks of the Hackensack river. This place closely resembled that which he had left, being easily enclosed between the Hackensack and Passaic. Upon the evening's approach he retreated to Newark ("aggrer novus," New Wark or Work, or Castle, would be more correct according to the Scotch derivation of this ancient name), where he remained some time as if waiting to fight Cornwallis,

but the army being weak, he retreated to Brunswick the day Cornwallis entered Newark. Washington commanded the army to move the camps to Brunswick, and set out a handful of men as if to give the enemy battle. Nor did he abandon this place until the van of the British army appeared in sight. Lord Stirling (an American General), seeing the movements of the enemy, and the cause, evacuated Princeton, and Washington marched to Trenton with the other forces, where he determined to make a stand. He ordered all the small boats tied up on the Delaware's banks to be collected and guarded, and carried over all his baggage and munitions of war. On the 8th December, the Americans crossed in safety, to a man."

(9) "He decided to cross the Delaware again and attack the enemy on the opposite bank of the river. Under the cover of the darkness, Dec. 25th, crossing in three parties, the design was begun and executed. About 1,000 of the enemy surrendered."

(10) "In January, 1777, Washington withdrew to Morristown, a little town in New Jersey, to give his destitute army shelter (or succor)."

(11) "He placed Col. Alexander Hamilton in charge of the Treasury. The carrying on of foreign intercourse he delivered to the care of Thomas Jefferson (appointed him Secretary of State). Appointed Gen. Knox Secretary of War, and Edmund Randolph Attorney-General."

(12) "His neck and hair were sprinkled with rain while, intent upon certain rural matters, he sought the improvement of agriculture. The following night he was seized with inflammation of the neck (throat or windpipe), breathing with very much difficulty and the greatest pain; a vein was opened next day."

(13) "Twenty-four hours after the attack occurred, the great commander, the Father of his country, the ornament and dignity of the human race, passed away in peaceful death."

Peculation and Favoritism at the Front During the Civil War

CONFIDENTIAL LETTER FROM THE DOOLITTLE CORRESPONDENCE
UPON THE SUBJECT

CONTRIBUTED BY DUANE MOWRY, MILWAUKEE, WIS.

ONE could wish that the letter, which is here reproduced in its practical entirety, was not true. But it is true. The ample particulars and details would clearly establish that. But the writer, who holds an official position, that of Medical Director, seems willing to appear and testify before a committee of congress about what he writes to Senator Doolittle. This would appear to fix the writer's sincerity and perfect good faith. It is very rarely, too, that such stories, as he portrays, are made out of the imagination. And the contributor is in the possession of other data which goes far to establish the same situation in other parts of the army. The case in hand is not an isolated one where dishonest and corrupt practices at the front were known to exist. More's the pity that this is so.

Nevertheless, as a bit of civil war history, the facts set forth in this letter are both important and interesting, as well as grossly abhorrent. They are recited by an intelligent person. The letter is ample proof of that fact. There is every indication that he is a patriotic person as well. He does not boast over the conditions which he portrays. Rather it can be gathered from the *tone* of his communication that he laments the situation of affairs as he finds them. He tells some unpleasant truths. There is no doubt about it. But he tells them to a worthy man and confidential friend, one who is in official power and who has a

right to know the situation of matters in the army as well as elsewhere. No true history of the civil war would be complete which failed to take into account conditions like those which are presented in this letter, conditions which are believed to have been frequent, but which were suppressed wherever and whenever it could be safely done.

The contributor has no means of knowing who the author of the letter is only as it appears on the document itself.

This is strictly a private letter.

Head Quarters, Baton Rouge, La.
Medical Director's Office, 5 Jan'y, 1864.

Dear Sir—

As when I had the pleasure of last seeing you in Washington you honored me by expressing a wish that I should write a line to you, occasionally, I feel pleasure in complying with the wish of one who has acted *such a friendly part by me on that occasion.*

At my own request I was ordered to report to Major Gen. Banks Com'd'g Depart'mt of the Gulph in the hope of meeting my wife there, from whom I have been separated *over two years*—as her health, being bad, she could not travel except by sea, but instead of being located there as I expected, I was ordered to report here, as Medical Director of this Post.

Sometime before leaving Vicksburg I wrote to you but got no answer to my last letter, but as I saw by the papers that you were travelling about attending important meetings I concluded that my letter miscarried.

I sincerely hope that yourself and family are well and that my friend, your son, James, who had such a hard time of it last winter is this time well, and that you all are enjoying the festivities of the present season, many happy returns of which I heartily wish you.

As we army men have our mouths *sealed* and are not allowed to speak of *abuses* or swindling operations on the Government, *however grave and serious*, I cannot forego the temptation to give you under the protection *confidential* correspondence, a few items, in as few words as possible. Of all the places I have been

in this surpasses all, for the amt. of swindling contraband trade, smuggling & so forth carried on. The officials one and all are *so* engrossed by thought of speculation and making money that they cannot, except by *repeated* urging attend to the legitimate business of their respective offices. What think you of 15 Government Teams going out one night to supply the rebels with goods? I have been ordered here on the 5th ultimo in consequence of the frauds ——— & not ——— ruinous, said to have been committed by my Predecessor. What do you think of 8 or \$10,000. made out of a yearly salary of 1800.? Short as the time is that I am here, I am horrified at the complete absence of *all* honor and *patriotism* & the wholesale prostitution of all the faculties of the mind to self aggrandizement & *the ruin of their country* so plainly exhibited here.

Brig. Gen. P. St. G. Cooke is Com'd'g here—he is a very old man, one of the old school. He is crotchety, eccentric & a confirmed hypochondriac and it is only once in a week he is in a humor to make it possible to transact official business with him. He has had I am told much family afflictions which affect his mind—in social intercourse he appears a gentleman & doubtless is one. He has two sons and two sons-in-law all officers of distinction in the rebel Army, & no doubt does not enjoy tranquility of mind. One of his sons, if not two, have died lately, but I think it a grave blunder to place such a man in so important a Post as this. He is of that frame of mind, if he issues an order which can be proved to be unjust & highly injurious to the public interests, yet will not acknowledge an error or allow any one to set him right. He will execute at all hazards even though hundreds of lives were to be sacrificed by it. This same littleness of mind has been fatally illustrated too often since the war commenced to the destruction of many a noble fellow's life. A case in point happened here lately. He ordered 2 men back to their Regiments peremptorily, although they had been examined by three of the most competent surgeons in our Army & declared positively unfit for field duty & proper candidates for the Invalid Corps, and in direct violation of Gen'l Order No. 212 from the Secretary of War. One was a good clerk, & his disease that of the heart, did not incapacitate him for the employment th'o

it did for the field. I strove to remonstrate against the cruelty and injustice of the order. The answer was that if they were moribund they must go, once he said it. The same ——— feeling might & indeed has been developed to the injury of our Army & the cause we are engaged in. Little of greatness or nobility of soul in such conduct as this. One, if not both of these poor fellows, may lose his life by this most unjustifiable order, but I am so situated I cannot protect these men. The Medical Director Depart of the Gulph is a U. S. A. and so is the commanding office here, and as there is a kind of free masonry amongst them considering themselves the aristocratic arm of the service, a complaint from me a U. S. V. however just would not be listened to for a moment, and sadly has this war exemplified this to the distruction of many a poor sick & wounded soldier. One of the best things the present congress could do would be to pass an act abolishing the distinction of a U. S. A. & U. S. V. It is invidious and unjust, the U. S. V. undergoes as strict an examination, derives his Commission from the President after confirmation by the Senate, just like the U. S. A. (so-called regulars) the only difference being that as a general thing the U. S. V. is a practical man & of great experience & joins the army giving up home & its comforts & good practice for love of his country & the cause she is engaged in. How unjust to place a Tyro in the profession fresh from cramming in the schools over such a man, & yet it is done because he is one of the *Young Aristocracy*, a U. S. A. & the youth will snub his superior in all respects. I wish you would have a Committee of Investigation appointed & summon your humble serv't & 11 other U. S. V.'s before it & more real good to the poor soldier would come out of it than from anything else.

Most respectfully & gratefully
Your obed humb Serv't

E. McDONNELL,
Medical Director Baton Rouge.

THE HON'L JAS. DOOLITTLE

U. S. Senator from Wisconsin.

P. S.—This day is so bitterly cold I can scarcely feel the pen in my hand. If any of the Vol. Surgeons are to be put into the

regular Army *please to remember me* as I gave up house & home & a rising practice in New York city for my love of the U. S. S. & her sacred cause.

E. McD.

P. S.—I shall esteem it an honor & gratification to hear from you when time serves. I am creditably informed by union men here that none but rebels can get any favor granted here.

E. McD.

Sketch of the Life of Horatio Allen, Pioneer Engineer in America

BY JOHN HOWARD BROWN

HORATIO ALLEN, son of Benjamin Allen, professor of mathematics and Natural Philosophy in Union College, 1800-1809; was born in Schenectady, New York in 1802 and graduated at Columbia College, A. B. 1823. He then became a student at law, but was not admitted to practice as he changed his life plans and studied civil engineering, thus conforming with his natural tastes and heredity, as well as to his father's wishes that he should further develop his mathematical talent. He was a rodman in the survey of the Chesapeake and Ohio Canal and his evident skill placed him in charge of the work as resident engineer in 1824. In 1825 he was made resident engineer on the summit level of the Delaware and Hudson Canal of which company John B. Jarvis was chief engineer. In 1827 the company commissioned the young engineer, then only twenty-five years old, to proceed to England to inspect the construction of the tramways being built for the purpose of introducing steam motive power to be used on railroads and test the practicability of the new method of transportation and if approved by him to superintend the building of three engines suitable to equip with steam power the 16 miles of railway in course of construction from the company's coal mines to the terminus of the canal. He was also authorized to purchase necessary iron rails to equip the proposed road. While in England he consulted with George Stephenson and inspected his works, and was instructed as to his plans. He also visited other projectors and builders of steam engines to be used on British railways in

course of construction with the result that he ordered three engines of the type used by the Stockton and Darlington railway in preference of those offered by Stephenson.

The first locomotive of the three ordered by Engineer Allen, the "Stourbridge Lion," arrived in New York in 1828 and was subjected to trial in a machine shop in that city and after repeated tests and changes in construction was shipped by boat to Honesdale, Pennsylvania. On the first trial on the newly-constructed tramway some changes had to be made in the locomotive to make it conform to the curves in the road and the final trial was made August 9, 1829, Engineer Allen being the only man willing to entrust his life to the experiment as it was the opinion of all present that either the frail trestle and bridge would break down or the curves would cause the locomotive to leave the track and be precipitated in the creek thirty feet below. The risk was assumed by the doubtless engineer who described his experience in these words: "If there was any danger in the ride I did not think it necessary to endanger the life and limb of more than one. I had never run a locomotive or any other engine before, but on August 9, 1829, I ran the 'Stourbridge Lion' three miles and back to the place of starting."

The same year Engineer Allen was made chief engineer of the South Carolina railroad, projected to extend from Charleston, South Carolina to Augusta, Georgia. He served—1829-34—and when the road was completed in 1834 it was the longest railroad operated by steam locomotives in the world. In 1838 he was made chief assistant engineer of the Croton Aqueduct for supplying New York City with water from the Croton river and he served in that capacity 1838-42, and while so employed he built the High Bridge to carry Croton water over the Harlem river, and on the completion of the works he was made a member of the board of water commissioners of New York city. From 1842 to 1870 he was connected with the Novelty Iron Works as engineer and he was entrusted with the building of all the marine engines used on steamboats and warships built in America as well as marine engines for many foreign vessels.

In 1870 on the dissolution of the Novelty Iron Works corporation Mr. Allen retired from active business. He served for sev-

eral years as consulting engineer of the Erie railway company and for a time as president of the company. He also served as consulting engineer of the Panama railroad company. His last official position was that of consulting engineer of the Etst River bridge between New York and Brooklyn. He is the author of a series of primary text books on arithmetic and algebra and a work in astronomy in connection with which science he invented an orrery and other astronomical instruments for the use of schools. In 1857 the University of the City of New York (now New York University) conferred upon him the honorary degree of LL.D. He invented the swivel car truck and was president of the American Society of Civil Engineers, 1872-73.

He was married in 1834 to Mary Moncrief Simmons, daughter of the Reverend Dr. James Ward Simmons, rector of St. Philip's Protestant Episcopal Church, Charleston, South Carolina at the time of his death, September 25, 1854.

Dr. Horatio Allen died at Montrose, New Jersey, December 31, 1889, aged 87 years.

The confusion arising from the indiscriminate use of the terms "Railroad" and "Steam Locomotive" as applied to the history of transportation has led to confusion as to priority in the introduction of steam on railroads on which passengers were to be carried, or on which the engine driver rode.

In England rails were laid on which cars were moved by horse power as early as 1801 when passengers were transported from Wadsworth to Croydon in the suburbs of London. In 1804 Trevithick constructed a steam locomotive which hauled small loads of coal on a short railway in Wales.

In 1814 George Stephenson's famous locomotive "Puffing Billy" pulled a coal car on a mine railroad near Newcastle-on-Tyne, but no human being ventured to ride on the locomotive.

In 1825 the Stockton and Darlington Railway opened to carry passengers, and in 1830 passengers transportation on steam railroads was inaugurated, on the "splendidly equipped" Liverpool and Manchester line on which George Stephenson in 1829 had carried off a competition prize by his "swift flying" little engine which he had named "The Rocket."

In the United States the first railroad was projected and built

by Gridley Bryan in 1825. It extended for four miles from Quincy, Massachusetts, to the nearest tide water, carrying granite blocks from the quarries. In 1827 a railroad was built from the coal mines at Mauch Chunk to the terminus of the canal of the Delaware and Hudson Canal Company. It was on this road that steam was used first as a draught power in America, August 9, 1829, on the locomotive "Stourbridge Lion" imported by Horatio Allen, and this daring engineer took the first ride on what was known as an "iron horse."

In the article following, printed in the *Family Visitor* of Milwaukee, Wisconsin, in the issue of June 3, 1867, the engineer speaks for himself in the very interesting narrative that follows. The editor is under obligation to Miss Julia Allcott Lapham, of Oconomowoc, Wisconsin, for the clipping selected from the valuable collection of historical data of her father the late Dr. J. A. Lapham, of Milwaukee:

THE FIRST TRIP ON A STEAM LOCOMOTIVE MADE IN THE WESTERN HEMISPHERE

*As Described by Major Horatio Allen, LL.D., Who Ran the
Locomotive "Stourbridge Lion," Which He Purchased in
England in 1827, the Trip Being Made August
9, 1829*

"The following interesting statement in regard to the early history of railroads, and especially the first trial of steam power upon them in this country, was made by Major Horatio Allen, engineer of the Erie Railroad, at the recent celebration.

Having occupied your time with these statements of perhaps no general interest, but the omission of which would have been an act of injustice, I have thought that on this great Railroad occasion a reference to some of the incidents in the early Railroad history of this country might be appropriate.

To bring before you, as strikingly as in my power, it has occurred to me to lead your imagination to the conception of the scene which would present itself, if on some fine morning you were placed at an elevation, and gifted for the moment with a power

of vision which would command the Railroad movements of the whole United States. There would be presented an exciting picture of activity in the thousand Iron Horses starting forth from the various Railroad centers, or traversing the surface of the continent in all directions. When the imagination has attained to some conception of this scene, let it seek to go back to the time when only one of those iron monsters was in existence on this continent, and was moving forth, the first of his mighty race. When was it? Where was it? And what awakened its energies and directed its movements? It was in the year 1828, on the banks of the Lackawanna, at the commencement of the Railroad connecting the Canal of the Delaware and Hudson Canal company with their Coal Mines—and he who addresses you was the only person on that locomotive. The circumstances which led to my being alone on the engine were these: The road had been built in the Summer; the structure was of hemlock timber, and the rails of large dimensions, notched on to caps placed far apart. The timber had cracked and warped from exposure to the sun. After about 500 feet of straight line, the road crossed the Lackawanna Creek, on trestle work about thirty feet high, and with a curve of three hundred and fifty to four hundred feet radius. The impression was very general that this iron monster would either break down the road, or that it would leave the track at the curve, and plunge into the creek. My reply to such apprehension was, that it was too late to consider the probability of such occurrences; that there was no other course but to have the trial made of the strange animal, which had been brought there at such great expense; but that it was not necessary that more than one should be involved in its fate; that I would take the first ride alone, and that the time would come when I should look back to this incident with great interest.

As I placed my hand on the throttle-valve handle, I was undecided whether I would move slowly, or with a fair degree of speed; but believing that the road would prove safe, and preferring, if we did go down, to go down handsomely, and without evidence of timidity, I started with considerable velocity—passed the curve over the creek safely, and was soon out of hearing of the cheers of the large assemblage present. At the end of two or

three miles, I reversed the valves, and returned without accident to the place of starting—having thus made the first Railroad trip by locomotive on the Western Hemisphere.

So rapid has been the Railroad development in this country, that the impression is probably nearly universal that the system was imported from England full grown; but such was not the case; and some circumstances illustrative of this fact may be of interest, on an occasion like the present, although time will permit but a summary reference.

The Liverpool and Manchester Railroad in England built for general freight and passenger transportation. The Stockton and Darlington was in operation previously, using locomotive power; but it was built for the transportation of coal, at a slow speed, and its use for passengers was only incidental, although proving a source of income far beyond the anticipation of its projectors. Before the Liverpool and Manchester road was completed, several roads were commenced in this country; that of the Delaware and Hudson Company being the first. Of these the B. and O. road, and the South-Carolina road were the most prominent. It is a fact of some interest, that the question as to the use of locomotive power, was decided on the South-Carolina road, prior to its decision on the Liverpool and Manchester.

On the completion of the latter road, the question as to kind of power was so fully an undecided one, that the subject was referred to James Walker and John U. Rastrick, two of the most eminent engineers in England, for their opinion. Their report was made, after the most thorough examination; and it will appear strange to all at this day, as it did to some at that time, that their report was not in favor of locomotive power, but of stationary power; the means proposed being stationary engines, placed some miles apart, and the use of long ropes, to draw the trains from one engine station to another. This opinion was not concurred in by Geo. Stephenson, the eminent engineer of the Liverpool and Manchester road, and by his influence measures were taken to ascertain what could be performed by locomotive engines. These measures were the offer as premium, beside the price of the engines, of £500 and £300, for the first and second best en-

gines. When I have stated that the performance to which the mechanical skill of England was to be invited by this public competition was the drawing *three times* the weight of the locomotive, at *ten miles the hour*, it will be understood how imperfectly the power of the locomotive engine was, at that time, developed or understood. Nor will it appear strange, after this statement of the circumstances that preceded the premium trial, that the Baltimore and Ohio Railroad Company were strongly impressed with the belief that horse power would be the power adopted on their road.

At the same period, that is, prior to the great locomotive trial, and when the B. and O. Company were so strongly impressed in favor of horse power, it became necessary for me as Engineer of the South Carolina Railroad Company, to decide for what power that road should be built. The road was one hundred and thirty-six miles long. From the character of the country, the plan of road would be materially influenced by the kind of power adopted. Stationary power was out of the question; but the opinion was held by many of great intelligence, that horse power should at least be commenced with.

In the Report which I made on this important question, I submitted such comparative estimate of the results of horse and locomotive power as the information then to be had appeared to me to sustain. That estimate was in favor of locomotive power, but I rested the decision of the question on the position that what the performance of a horse was and would be every one knew; but that the man was not living that would undertake to say what the locomotive was yet to do; and I may add, that after more than twenty years have elapsed during every one of which the soundness of this position has gained new ground to sustain it, he would be a bold man who would say that we have attained the limit in the performance, and especially in the economy of performance of this great mechanical blessing to mankind.

In the recommendation of that Report in favor of locomotive power, the Board of the South Carolina Railroad Co., unanimously concurred, and as this decision was the first on any railroad built for general freight and passenger business in this

country or England it has been referred to as one of the interesting facts in the early history of Railroads.

There are other incidents to which I might refer, and which under less exciting circumstances might be deemed worthy of your attention, but I dare not occupy more of your time at this late hour."

History of the Mormon Church

BY BRIGHAM H. ROBERTS, Assistant Historian of the Church.

CHAPTER XCI

MORMON COURTESIES EXTENDED TO U. S. EXPEDITION: TWO UTAH CAPITALS AND RIVAL GOVERNMENTS

DURING the campaign of the "Utah War" acts of courtesy on the part of Governor Young and the commanders of the Utah forces towards the United States officers and troops were not lacking to bear witness that the prospective "war" would be civilized war-fare, if it came to active hostilities. This was manifested first in the action of Utah militia officers-captain Stringham and Col. N. V. Jones—consenting to escort to Salt Lake City, Captain Van Vliet, assuring him of safe conduct; and by the offer of Governor Young to give easy and safe conduct to Indian Agent Hurt to the U. S. troop-encampment on Ham's Fork.¹

Early in October Governor Young politely sent to Colonel Alexander copies of the *Deseret News*, to "enliven the monotonous routine of camp life;" and this was repeated several times during the fall and winter months.²

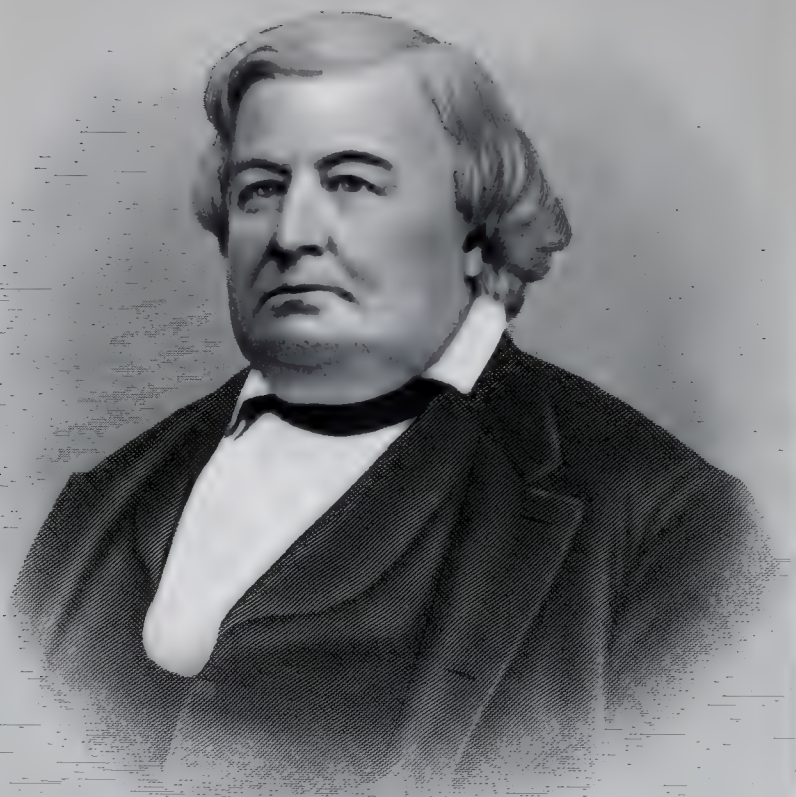
1. See letter of Brigham Young to Hurt, House Ex. Doc. 35th Cong. 1st sess. X. No. 71, pp. 209-10: also Hist. Brigham Young, *Ms.* Entry Sept. 26, 1857, pp. 565-6.

2. Journal of Geo. A. Smith. Entry Oct. 17th, copied into Hist. Brigham Young, *Ms.* 1857, p. 732, *et passim*. The letters accompanying these acts of courtesy were very formal and polite in tone. One exchange is given as samples of the spirit of all:

GOVERNOR YOUNG TO COL. ALEXANDER

GREAT SALT LAKE CITY,
October 7, 1857.

Sir: Presuming that during a dearth of news from the east and your home, news from the west might enliven the monotonous routine of camp life, I have



Alfred Cummins

Secretary to Republican

at Grant's P'k. 1858-1861.

Again, General Wells, on learning from report that a number of ladies were in Colonel Alexander's camp, wrote him a courteous letter "advising him," says the *chronicle*, "that if he had ladies in the camp, to put them in a train by themselves, as he did not wish to injure them;" also "He [General Wells] prepared to forward a fatherly letter from Governor Young to the Colonel."³

An invitation was extended by Governor Young to Colonel Alexander or "any of the officers with him" to visit the city, "unaccompanied by troops," as did Captain Van Vliet, "with a view to personally learn the condition and feelings of the people." "You are at liberty to do so," said the Governor, "under my cheerfully proffered assurance that you will be safely

the honor to forward to you two copies each of the latest numbers of the *Deseret News*.

E. B. Alexander,
Colonel Commanding 10th Infantry, U. S. Army.

BRIGHAM YOUNG.

GENERAL WELLS TO COL. ALEXANDER

IN CAMP, NEAR BEAR RIVER,
October 8, 1857.

SIR:—I have the honor to forward you the accompanying letters and papers for yourself, Col. Waite and Captain Phelps, sent to my care, by his Excellency, Governor Young.

I remain, sir, very respectfully,

DANIEL H. WELLS,
Lieutenant General, Nauvoo Legion.

COLONEL E. B. ALEXANDER.

COLONEL ALEXANDER TO GOVERNOR YOUNG

HEADQUARTERS ARMY OF UTAH,
CAMP WINFIELD, October 10, 1857.

SIR:—Colonel Alexander, commanding the United States troops, directs me to acknowledge the receipt by your messengers of packages of papers for himself, Colonel Waite and Captain Phelps.

He appreciates highly the kind attention and politeness shown to him and the officers of the army, and begs that you will accept his thanks.

I am, sir, with high respect, your obedient servant,

HENRY E. MAYNADIER.

His Excellency
BRIGHAM YOUNG,
Governor of Utah.

(House Ex. Doc. 35th Cong. X., No. 71, pp. 47-8; also Hist. of Brigham Young Ms. 1857 and 1858, *et passim*).

3. Journal of Geo. A. Smith, Ms. entry for Oct. 15th, 1857. In Hist. Brigham Young, Ms. Oct. 25, p. 729. The "Fartherly" letter of Gov. Young to Col. Alexander will be found in House Ex. Doc. 35th Cong., 1st sess. X., No. 71, pp. 48-50, it bears date of Oct. 16. The Governor addresses the Col. frankly as a citizen of the U. S. "untrammelled by the the usages of official dignity or military etiquette."

escorted from your out posts to this city and back, and that during your stay in our midst, you will receive all that courtesy and attention your rank demands.”⁴

In the latter part of October a Mrs. Mago, with an infant child, became very desirous of joining her husband, who was in Colonel Alexander’s encampment. He had first come to Utah as a teamster in one of Capt. W. H. Hooper’s trains, later was employed by the surveyor General of Utah, David H. Burr. A Mr. Jesse Jones who had been in Salt Lake City but a few weeks and being anxious to see a Mr. Roup in Colonel Alexander’s encampment, was permitted to accompany Mrs. Mago and her infant. An escort of four men conveyed the party to the U. S. encampment. “Mrs. Mago and her infant are conveyed to your camp,” said Governor Young’s letter—dated 28th of October—“in accordance with my previously often expressed readiness to forward to you, such as might wish to go, and is the only resident of that discription in Utah, as far as I am informed.” Governor Young also renewed his invitation of the 16th of October to Colonel Alexander: “Should Colonel Convy and lady wish to partake of the hospitalities proffered by Mr. Haywood and family (residents of Salt Lake City), and should Capt. R. B. Marcy desire to favor me with a visit, as I infer from his letter of introduction forwarded and in my possession, or should you or any other officers in your command wish to indulge in a trip to this city, you will be kindly welcomed and hospitably entertained, and the vehicle and escort now sent to your camp (with Mrs. Mago and Mr. Jones), are tendered for conveyance of such as may receive your permission to avail themselves of this cordial invitation.” The Governor also presumed that in case of any persons in the U. S. camp who desired to leave the camp for Salt Lake City, the Colonel would permit them to do so.⁵

4. Copy of the letter containing the invitation, dated 16th of Oct., will be found in House Ex. Doc. 35th Cong., 1st sess., X. No. 71, pp. 50-54. “Doubtless you have supposed,” says Governor Young, in the paragraph containing the invitation referred to in the text, “that many of the people here would flee to you for protection upon your arrival, and if there are any such persons they shall at once be conveyed to your camp in perfect safety, so soon as such fact can be known.” (Id.)

5. The letter *in ex tenso* will be found in House Ex. Doc. 35th Cong., 1st sess., X. No. 71, pp. 54-55.

Colonel Alexander acknowledged these courtesies of the Governor in a very polite note in which he stated, with regret, that the persons in his custody were amenable for civil offenses to the civil authorities, and it was not in his power to release them; but as soon as Governor Cumming should arrive his direction concerning them would be obtained; meantime the Colonel gave assurance that every attention would "be paid to their welfare and comfort."⁶

About one month later, hearing that the Expedition and the men belonging to the merchant trains detained by its officers were much in need of salt, Governor Young took the "liberty" of sending a load [eight hundred pounds] by *Messrs.* Henry Woodward and Jesse J. Earl. "You are perfectly welcome to the salt now sent, said Governor Young's letter accompanying the gift, but should you prefer making any compensation therefor, I have to request that you inform me, under sealed envelope, of weight received, and the amount and kind of compensation returned."⁷ This discloses a rather delicate sensibility on the part of Governor Young; for it afforded the commander of the Expedition an opportunity, if he did not wish to put himself under obligation to Governor Young for such a prime necessity to his camp, of paying for it such a price as would take away from the transaction any obligation to, or act of grace in, Brigham Young for sending the much needed commodity; and meantime the camp would receive the benefit of the necessary food-ingredient. Colonel Johnston, however, who meantime had arrived at the Expedition's Encampment, chose not to accept the salt, but churlishly rejected it, whether as gift or purchase, in order, it is presumed, that he might not in any sense be under obligation to Brigham Young; and made no other response to this tender of salt or answer to the letter accompanying it," than to dismiss its bearers with their salt, informing them that he could accept "no favors from traitors and rebels and that any communication which they might in future hold with the army

6. *Ibid.*, p. 56.

7. The letter accompanying the salt is published at length in House Ex. Doc., 35th Cong., 1st sess., X. No. 71, pp. 110-11; the letter bears date of Nov. 26th, and is addressed to "Col. A. S. Johnston, U. S. A., if he has arrived at Black's Fork." If not, then to Col. Alexander, Houston.

must be under a flag of truce.'"⁸ The salt, however, so contemptuously rejected by Colonel Johnston found its way into camp; being turned over to some Indians, who smuggled it into the camp of the Expedition and sold it at the rate of \$2.50 per pound.⁹ One Ben Simons is reported to have taken 900 pounds of salt into the camp which he sold at that price. And later Colonel Johnston had "a thousand pounds of salt forced through to the camp from Fort Laramie; thirty out of the forty-six mules on which it was packed, perishing on the way."¹⁰

8. See "The Utah Expedition," *Atlantic Monthly*, March, 1859, p. 374.

This statement was limited by the Col. to communication with the army: "as to the manner in which they might communicate with the Governor (Cumming) it was not within his province to prescribe." (Id.)

This humane act of sending salt to the Expedition had been attended with great inconvenience, aside from the value of the offering. The salt had been forwarded to General Wells with directions to retain it if he thought it advisable, but preferring that it be forwarded to the Expedition's encampment if the condition of the roads would allow of it. "With a view of gratifying the wishes of the Governor," said Gen. Wells, in his letter accompanying the salt, "I have taken pleasure, although in a furious snow storm, in fitting up Messrs. Earl and Woodward with packs and additional men and animals in order to ensure its safe delivery." For the additional men Gen. Wells asked the same consideration as Governor Young asked, in his accompanying letter for Messrs. Earl and Woodward. Wells' letter is dated Nov. 30th. Closing his letter he said: "I also send you one copy of the *Deseret News*, which, though somewhat worn, is the last received by me." (The letter complete will be found in House Ex. Doc. 35th Cong., 1st sess., X. No. 71, p. 111). Governor Young had also said in his letter: "should any in your command be suspicious that the salt now forwarded contains any deleterious ingredients other than those combined in its natural disposition on the shores of the Great Salt Lake, Mr. Woodward or Mr. Earl, in charge of its transportation and delivery, or doubtless Mr. Livingston, Mr. Gerrish, Mr. Perry, (Gentile merchants with the Expedition), or any other person in your camp that is acquainted with us, will freely partake of it to dispel any groundless suspicions, or your doctors may be able to test it to your satisfaction."

9. Simons is referred to as a Delaware Indian by J. Forney, who succeeded Brigham Young as Superintendent of Indian affairs in Utah. "Ben Simons [was] formerly of the Delaware tribe," he says, "but for the last 20 years [has been] a trader among the Indians of this Territory. Ben speaks most of the languages of this region, and English sufficiently well to answer for an interpreter." (House Ex. Doc. 35th Cong. 1st sess., X. No. 71, p. 198. Woodruff speaks of him as a "Cherokee," Woodruff Journal, Ms. entry 16th Dec., 1857. Simons offered Governor Young one-half the money he made in trading with the Expedition's encampment, but this the Governor refused. The latter insisted that the Indian should limit his trade to salt and furs. Simons reported at this interview that there had been a fight in camp Scott, in the section occupied by the civil officers of the Territory—between the "freemen" and the military party [evidently a fraction of the Kansas trouble transported to Utah] in which seven were killed. Col. Johnston sent the military to quell the disturbance, and Governor Cumming told them to go back; that when he wanted Johnston's assistance he would call for it. He also reported that one John Bigler, a gambler, had taken \$25,000 out of the camp, profits on gambling, and carried it off in a buck skin sack. The relation of these incidents led Governor Young to say—"if they had the power, they would make this city a perfect bedlam, and would corrupt this people as far as they could." (Woodruff's Journal, Ms. Id.; also Hist. Brigham Young Ms., Dec., 1857, pp. 899-900).

10. "The Utah Expedition," *Atlantic Monthly*, March, 1859, p. 374.

In addition to the tender of salt at this juncture, Governor Young in his letter informed Colonel Alexander that a certain small, white mule that had "come into our settlements," and which was a favorite with the Colonel, had arrived in poor condition, but the Governor had caused the mule to be placed in his own stables where it had been well fed and cared for and held subject to the Colonel's order. "But," continued the Governor, not able to resist the opportunity for a thrust of grim humor—"But should you prefer leaving it in my care during the winter, *it will probably be in better plight for you upon your return to the east in the spring.*"¹¹

This salt incident ended the tender of courtesies between the Territorial and National forces for some time. In Governor Young's accompanying letter there had been a note of sternness sounded. Explaining the reason for the demonstrations against the Expedition's stock and their trains he said:

"I have to inform you that the demonstrations which have been made upon your animals and trains have been made solely with a view to let you emphatically understand that we are in earnest when we assert, freemen like, that we will not tamely submit to any longer having our constitutional and inalienable rights trampled under foot. And, if you are now within our borders by the orders of the President of the United States, (of which I have no official notification), I have further to inform you that, by ordering you here upon pretexts solely founded upon lies, all of which have long since been exploded, the President has no more regard for the Constitution and laws of the United States, and the welfare of her loyal citizens, than he has for the constitution, laws, and subjects of the kingdom of Belzeub."¹²

Respecting Utah people detained by the commander of the Expedition who were being well treated the Governor expressed his thanks. Concerning Adjutant W. R. Stowell, captured in

11. House Ex. Doc. 35th Cong., 1st sess., X. No. 71, p. 111. "This mule was an old, gentle creature," says Junius F. Wells in his "Echo Canon War," "the pride of the Colonel's house-hold. * * * The attention bestowed upon it became the subject of diplomatic correspondence between the commandants of the opposing forces; yet notwithstanding the enduring fame thus achieved and the tenderest care of experienced hostlers and veterinary surgeons, the poor prisoner succumbed to age and aggravated grief, at being ruthlessly torn from its associates and friends, and during the winter died, lamented by two armies." *Contributor*, Vol. III, p. 176.

12. House Ex. Doc. 35th Cong., 1st Sess., X. No. 71, p. 110.

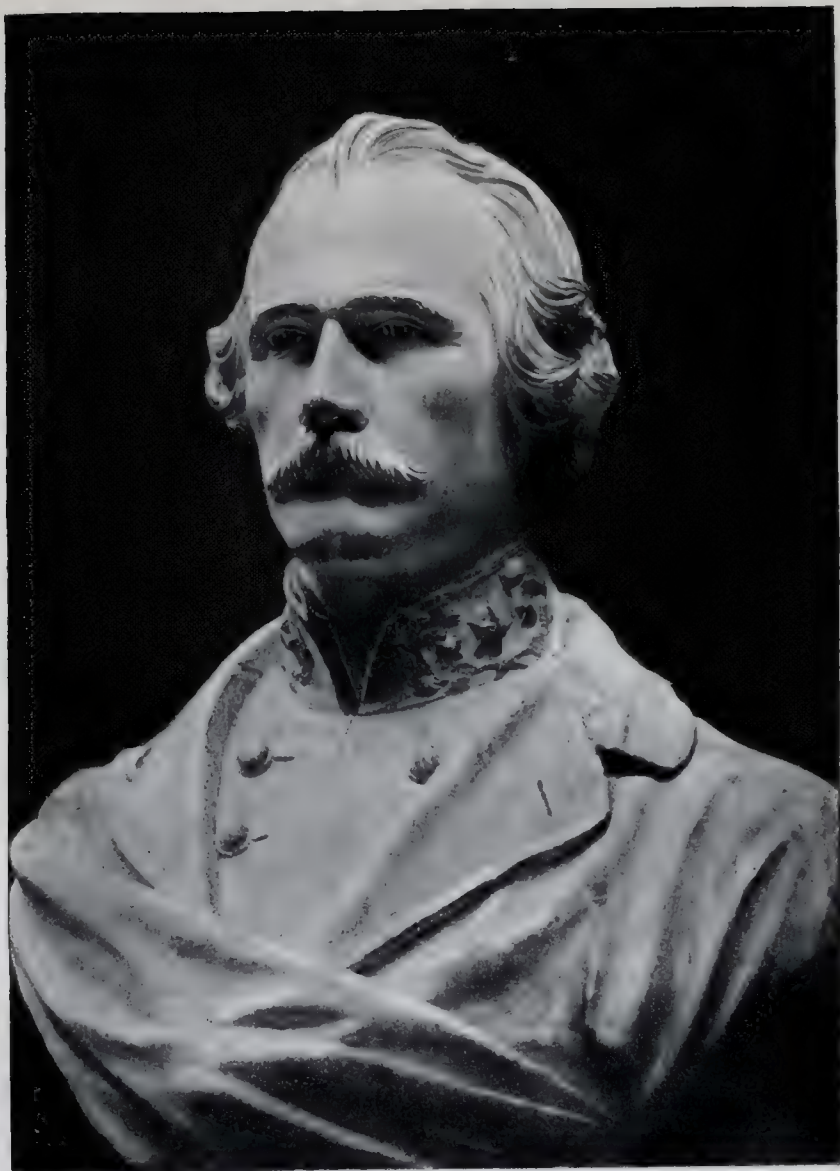
connection with his principal, Major Joseph Taylor, and still held a prisoner, the Governor—it having been reported that Stowell was being mistreated—said: “If you imagine that keeping, mistreating, or killing Mr. Stowell will redound to you credit or advantage, future experience may add to the stock of your better judgment.”¹³

On his part Colonel Johnston entertained or assumed to entertain, a hearty contempt for the Mormon leaders and people, whom he regarded, or feigned to regard, as a traitorous people,” of whom he must make “conquest;”¹⁴ a people resisting the “just authority the government desired to exercise in Utah; a people who had with premeditation, placed themselves in rebellion against the Union, and entertain the insane design of establishing a form of government thoroughly despotic, and utterly repugnant to our institution.” “Occupying as they do,” continues the Colonel, “an attitude of rebellion and open defiance to the government, connected with numerous overt acts of treason (see orders and commission herewith, issued by the leaders), I have ordered that when they are met in arms, that they be treated as enemies.”¹⁵

13. *Ibid*, p. III.

14. The Colonel pays them the compliment of inferring that the “conquest” would not be an easy one: “The General-in-chief no doubt has already considered the necessity of a conquest of those traitorous people, and has estimated the force necessary to accomplish the object. With a full view of the whole subject before him his great experience would not be benefitted by any suggestions of mine. I will, however, mention that unless a large force is sent here, from the nature of the whole country, a protracted war on their part is inevitable. The great distance from our source of supply makes it impracticable to operate with a small force. It, in fact, requires the employment of such force to guard numerous trains of supplies, leaving but a small portion, if any, for offensive operations. A movement of troops from California, Oregon, and by this route would terminate a war with the Mormons speedily and more economically than if attempted by insufficient means.” Johnston to Major McDowell, Ass. Adj. General. House Ex. Doc. 35th Cong., 1st Sess., X. No. 71, pp. 37-38

15. These quotations will be found in Col. Johnston's letters to Major Irvine McDowell, Ass. Adj. General, Headquarters of U. S. Army, under date of Oct. 18th, and the 5th of Nov. respectively, 1857; House Ex. Doc. 35th Cong., 1st Sess., X., pp. 35-38, and pp. 46-7. Lieutenant Col. C. F. Smith shared in these sentiments. He commanded about 300 Dragoons guarding the rear supply trains; and before Johnston formed junction with him, in a letter to the Ass. Adjut. General at Fort Leavenworth, under date of Oct. 13th, wrote: “They [the Mormons] say no more supplies shall go forward; that they will not shed blood; but if a Mormon is killed by us they will utterly exterminate the Gentile army. As the threats of their leaders to Capt. Van Vliet, coupled with the burning of our supply trains—in itself an act of war—is evidence of their treason, I shall regard them as enemies, and fire upon the scoundrels if they give me the least opportunity.” (House Ex. Doc. 35th Cong., 1st Sess., X. No. 71, p. 41.



Mr. J. H. H. H.

1850

It is nothing short of the grim, irony of fate, and renders colorless all these high sounding phrases of patriotic emotion for the general government; also this indignation at a people who had "with premeditation placed themselves in rebellion against the Union," that the man uttering them should himself in a few years stand among the leaders of a gigantic rebellion against that government, and become a leader of armies devoted to the destruction of that Union; and himself stricken in death at the head of an army on the very verge of a victory¹⁶ over an army fighting for the life of the government, and the perpetuity of the Union. Just as it also smacks of the irony of fate that the secretary of War, in the Buchanan administration, Mr. John B. Floyd, who so roundly denounced the Mormons of Utah for their alleged "defiance to the sovereign powers" of the government, characterizing them as "a rebellious fraternity, besetting one of the most important avenues of communication traversing its domain;" and who, finally, for the "prompt and thorough sup-

16. This refers to the great battle of Pittsburg Landing on the Tennessee river, some seven miles above Savannah, but usually known as the Battle of Shiloh, so named from a little log church in the woods between two and three miles west from the landing, fought on the 6th and 7th of April, 1862. Gen. Grant himself described the engagement at Pittsburg Landing as "the severest battle fought in the west during the war, and but few in the east equalled it for hard, determined fighting." (Hist. U. S.—Scribners', Bryant, Gay, Brooks—Vol. V, p. 17). The Federals lost in killed, wounded and missing 13,047; the Confederates, according to their own showing lost from the same causes, 10,699. "Few battles," says this historian, "have been more destructive in proportion to the numbers involved. There were not far from 100,000 men engaged on both sides, and the returns indicate that almost every fifth man was killed or wounded." (Id.) The first day Gen. Johnston was in command, the federal forces by noon were driven in confusion to the high bluffs of the Tennessee, overlooking the landing, and "crowded into a space of not more than four hundred acres;" by two o'clock complete success was within the grasp of the Confederates. About this time Gen. Johnston, at the head of his forces, was shot through the leg, an artery was severed, no one was at hand who knew how to stop the flow, and in a few minutes he was dead. Beauregard failed effectively to press the advantage Johnston had won in the first day's battle, and the victory of Shiloh was lost to the Confederates through his death; for during the night following, Grant was reinforced by the arrival of Buell's army of 40,000 men, and on the second day of the engagement regained his lost ground, and the Confederate army retreated. "The death of Johnston was a bitter loss to the confederacy," remarks John Fiske. "Jefferson Davis afterward declared his belief that 'the fortunes of a country hung by the single thread of the life that was yielded on the field of Shiloh.'" ("The Mississippi Valley in the Civil War," p. 84). In this connection it will be interesting to note that Lieutenant C. F. Smith, also of the Utah Expedition, became Major General in the Civil War, and was in command of the army concentrating at Pittsburg Landing preceding Grant in command, but about the middle of March, illness, caused by a wound on his foot, compelled him to retire from the field, and he relinquished his command of an army of more than 30,000 men, to Gen. Grant. On the 25th of April, 1862, he died at Savannah, Tennessee. (Id., p. 14).

pression of the spirit of rebellion reigning in Utah," recommended that five new regiments be raised for service in Utah in the spring of 1858¹⁷—it smacks of the irony fate, I say, that this man so zealous for the authority of the general government, should finally be requested to leave the cabinet of the Buchanan administration, under suspicion of being privy to the abstraction of \$870,000 bonds from the Department of the Interior, during the latter part of 1860, and also that he should be accused of having transferred arms—one item being 113,000 muskets—from northern to southern arsenals, in aid of the southern armed resistance to the federal government.¹⁸

Meantime to return to matters more immediately connected with this History, Utah may be said to have had two capitals during the winter of 1857-8, Salt Lake City and Camp Scott on Black's Fork, the latter place about two miles above Fort Bridger, in what was then Green River county. "The camp site was sheltered by high bluffs which rise abruptly from the bottom at a distance of five or six hundred yards from the channel of the stream. The banks of the Fork were fringed with willow bushes and cotton wood trees, blasted in some places where the Mormons had attempted to deprive the troops of fuel. . . . The water of the Fork clear and pure, rippled noisily over a stony bed between two unbroken walls of ice."¹⁹ "The civil officers of the Territory fixed their headquarters in a little nook in the wood above the military camp," says the author of "The Utah Expe-

17. See report of the Secretary of War in Senate Doc. 35th Cong., 1st Sess., Vol. III, pp. 6-9. He not only denounced the Saints for their alleged rebellion against the government, but sat in judgment upon their religion which he denounced as "fanaticism, supported by imposture and fraud," and as running counter, in both tenets and practices, "to the cherished truths of Christian morality." (Id.)

18. It ought to be noted, however, that on the charge of being privy to the defalcation in the Interior Department, Sect. Floyd voluntarily appeared in court in Washington, gave bail and demanded an immediate trial; and that the government thereupon entered a *nolle prosequi*. Also in the matter of the accusation of having transferred United States arms from northern to southern arsenals, in anticipation of the outbreak of the Civil War, it is declared that the charge was groundless, as it was shown that "the arms transferred were condemned arms and removed in order to make room in northern arsenals for more modern ones." This, however, leaves the question—"but why were the arms removed to the southern arsenals," unanswered. In the one case, the court in the district of Columbia was friendly; and in the other, the congressional committee was sympathetic. For consideration of Secretary Floyd's treason to the U. S. Government, see Note I, end of chapter.

19. The *Atlantic Monthly*, March, 1859, p. 371.

dition, in *Atlantic Monthly*,^{19½} where they dug square holes in the ground, over which they built log huts, plastering the cracks with mud. Their little town they named "Eckelsville," after the new Chief Justice of the Territory.²⁰ For the rest Camp Scott was made up of canvas tents of the Sibley pattern.²¹ Although in their quarters the civil officers were separated from the Military quarters all civil process issued from "Camp Scott," Green River county, Utah, not from Eckelsville. It was from Camp Scott that Governor Cumming issued his proclamation "To the People of Utah Territory," on the 21st of November, announcing that on the 11th of July, 1857, the President of the United States had appointed him Governor for the Territory; that he arrived at the point from which he addressed them on the 19th of November; that he would probably be detained some time in his present location in consequence of the loss of animals during the recent snow storm; that he would proceed at this point to make the preliminary arrangements for the temporary organization of the Territorial government. He announced that many treasonable acts of violence had been committed by lawless individuals, supposed to be countenanced by the late Utah Executive [ex-Governor Young]—such persons were in a state of rebellion; proceedings would be instituted against them in a court organized by Chief Justice Eckels, held in Green River county; this would supercede the necessity of appointing a military commission for the trial of such offenders. It was his duty to enforce unconditional obedience to the organic law of Utah, and all other laws of Congress applicable to the Territory; to effect this he would first rely upon a *posse comitatus* of the well disposed portion of the inhabitants, and will only resort to a military *posse* in case of necessity—he trusted this necessity would not occur. He came among the people with no prejudices or enmities, and hoped

19½. This was Colonel Albert G. Brown of the Expedition, Linn's Story of the Mormons, p. 500; Note 2.

20. Ibid, pp. 371-2.

21. The Sibley tent had just been introduced into the service. "An iron tripod supported a pole from the top of which depended a slender but strong hoop. Attached to this, the canvas sloped to the ground, forming a tent in the shape of a regular cone. The opening at the top caused a draught, by means of which a fire could be kept up beneath the tripod without choking the inmates with smoke. An Indian lodge had evidently been the model of the inventor." (*Atlantic Monthly*, pp. 371-2).

to command their confidence by a just and firm administration. Freedom of conscience and the use of their own peculiar mode of serving God, he recognized as sacred rights guaranteed by the Constitution, with which it is not within the province of the government to interfere, neither is it the disposition of its representatives to so interfere. By virtue of his authority as commander-in-chief of the Militia, he commanded all bodies of individuals, by whomsoever organized, to disband and return to their respective homes; disobedience to this command would subject the offenders to the "punishment due to traitors."²²

On the same date Governor Cumming from his improvised capital, inclosed a copy of his proclamation to ex-Governor Young with a personal note iterating his own appointment to the office of Governor; expressing regret for many acts of violence committed on the highway, resulting in the distruction and robbery of property belonging to the United States; these acts indicated that the Territory was in a state of rebellion, for which the ex-Governor was reputed to be responsible; such was indicated by a proclamation purported to be issued by the ex-Governor, and by papers signed by his authority found upon the person of Joseph Taylor who had been taken prisoner. The matter contained in these papers "authorizes and commands violent and treasonable acts"—acts which tended to the disruption of the peace of the Territory, and subject their enactors to the penalty accorded to traitors. If the papers referred to were not authentic, Governor Cumming trusted that the ex-Governor would disavow them.²³

The organization of a district court at Camp Scott became necessary in order to control the lawless elements represented by the one thousand teamsters who had been discharged from service on the supply trains; and by the camp followers. Colonel Johnston had partly overcome the difficulty presented by the presence of these lawless men in camp by enlisting four companies of them as volunteers in the United States army for the Utah Expedition. The first of these companies was taken into

22. Home Ex. Doc. 35th Cong., 1st Sess., X. No. 71, p. 76.

23. House Ex. Doc. 35th Congress, 1st Sess., X. No. 71, p. 76. This letter is referred to by the writer in the *Atlantic Monthly* for March, 1859, "in which," he says "there were expressions that indicated a disposition to temporize" (p. 373).

the service at South Pass, and were organized from the employes of Mr. McGraw (who will be remembered by the reader as the disappointed mail contractor for Utah, now in the service of the government as a contractor), their services being regarded as necessary for the protection of the supply trains of the army. The other three companies were recruited at Camp Scott. The four companies aggregated three hundred and twenty-five men. The term of enlistment was for nine months. "A term of six months," the Colonel commanding explained in his report, "would be without utility, as, in that case, the men would be entitled to their discharge in the midst of active operations. A term of twelve months was objectionable, as it would bring the period of discharge at so late a season as to make it impracticable for the men to return to their homes."²⁴

The volunteers were to depend upon congress making the necessary appropriation for their pay; each company chose its own captain and together were to elect the commander of the battalion which the four companies formed. Capt. Barnard E. Bee, of the 10th regiment of infantry, received that honor. Colonel Johnston reported this election to Governor Cumming and asked that the captain be commissioned a lieutenant colonel, a rank which the importance of his command rendered desirable. This appointment Governor Cumming "after a careful examination of the statutes of the Territory," refused to make. Later, however, the Governor appointed Captain Bee one of his aides-de-camp, with the rank of lieutenant colonel in which capacity he asked Colonel Johnston to recognize him, and thus the technical difficulty the Governor saw in the statutes was overcome.²⁵

The enlistment of these companies still left large numbers to be controlled by the court. "Its convicts," says the writer of the article in the *Atlantic Monthly*, "were received by Colonel Johnston and committed to imprisonment in the guard tents of the army." "The Grand Jury," says this authority, "impanelled for the purposes of the court, were obliged to take cog-

24. Letter of Col. Johnston to Major Irvine McDowell, Asst. Adj't. Gen. Headquarters of the army N. Y., House Ex. Doc., 35th Cong., 1st Sess., X. No. 71, pp. 108-10.

25. See letters back and forth on the subject, House Ex. Doc., 35th Cong., 1st Sess., X No. 71, pp. 108-10 and 112-113.

nizance of the rebellion, and, after thoroughly investigating the facts of the case, they returned bills of indictment against Brigham Young and sixty of his principal associates.”²⁶ Just why this grand jury called in this far off county “were obliged to take cognizance of the rebellion,” when ostensibly they were only called to insure security of life and property in Camp Scott and its vicinity, does not appear; unless a grand jury made up from discharged teamsters and camp-followers, and who *en route*, had frequently boasted of the violence they would enact, once they had arrived in Salt Lake City, could be depended upon to present bills of indictment against all those complained of than could the *bonafide* citizens of Utah. This action is doubtless valuable as showing what might have been expected would have been the course of the federal civil appointees had they, without protest, once arrived in Utah with this rabble at their heels; made up, as the *Atlantic Monthly* writer points out, of “*the scum of the great western cities,*” but of “*a class more dangerous, because more intelligent and reckless, than the same class of population in New York.*” That it would have been from this class that both grand and petit juries would have been drawn by the civil authorities accompanying the Utah Expedition, once arrived in Salt Lake City, will be made sufficiently clear by their course of action after their arrival; and even after the modification of their dispositions by the experiences of the opposition they encountered, and the change of front made by the government in the administration of Utah affairs.

For the rest, in relation to what happened in Camp Scott and vicinity during this memorable winter, it should be said that all the days were not cloudy, and all events not gloomy. True, rations were cut down, and the meat portion was very poor; fuel was scarce and difficult to get; communication with the states was suspended by the storms and unsafety of the roads; every species of duty in such a region, and at such a season was uncommonly severe. All this however, according to the writer for the *Atlantic Monthly*, “mattered not”—

“Confidence and gayety were restored to camp, by the con-

26. *Atlantic Monthly*, March, 1859, p. 374.

sciousness that it was commanded by an officer whose intelligence was adequate to the difficulties of his position. Every additional hardship was cheerfully endured. As the animals failed, all the wood used in camp was obliged to be drawn a distance of from three to six miles by hand, but there were few gayer spectacles than the long string of soldiers hurrying the wagons over the crunching snow. They built great pavilions, decorated them with colors and stacks of arms, and danced as merrily on Christmas and New Year's Eves to the music of the regimental bands, as if they had been in cozy cantonments, instead of in a camp of fluttering canvas, more than seven thousand feet above the level of the sea. In the pavilion of the Fifth Infantry, there drooped over the company the flags which that regiment had carried, ten years before, up the sunny slopes of Chapultepec, and which were torn in a hundred places by the storm of bullets at Molinos del Rey."²⁷

After giving this description of the bright side of garrison life at Camp Scott, and evidently viewing the somber side of it in the light of the uselessness of the army's presence in Utah, if not from intrinsic uselessness of it from the beginning, then surely the uselessness of its presence in consequence of the sudden change made during the winter in the policy of the federal administration respecting Utah affairs, he thus bitterly concludes his reflections:

"Perhaps the disposition of the camp would have been more in harmony with the scenery and the season, if the army had dreamed that the administration, which had launched it so recklessly into circumstances of such privation and danger, was about to turn its labors and sufferings into a farce, and to claim the approval of the country for an act of mistaken clemency, which was, in reality, a grave political error."²⁸

In Salt Lake City, the other capital of the Territory, there was great activity among the Territorial officials during the winter of 1857-8. The Territorial legislature convened on the 14th of December, and on the 15th met in conjoint session to receive the message of Governor Young and accompanying documents.

27. *Atlantic Monthly*, March, 1858, pp. 374-5.

28. *Ibid*, p. 375. The "blunder" here referred to, of course, had reference to the free "pardon" soon to be granted to the entire Utah community, including its daring leaders.

The message was read by James Ferguson, chief clerk of the house, and a thousand copies were ordered printed; also it was ordered printed in the *Deseret News*.

The document is quite temperate all the circumstances under which it was prepared being considered. Its earlier paragraphs deal with such subjects as the advantage of their isolation from many of the perplexing conditions of more densely populated regions; agriculture and stock raising; home manufactures and industries; education;²⁹ the reports of the auditor and treasurer.

The discussion of the issues between the Territory and the federal government are approached through the action of the government in suspending the mails, the injustice of which is vigorously maintained. The "colonial system" adopted by the American Republic, under enactments of 1784 and 1787, respectively, and each before the adoption of the present Constitution of the United States, is deplored as being contrary to that great American principle which recognizes that governments derive their just powers from the consent of the governed; and which can only be realized in practice when administrators of the laws as well as those who make the laws receive their commission from the people. The above said enactments are held to be entirely at variance with the very genius of the American system of government; and it is a matter of surprise that such a system of colonial government was adopted, and a still greater surprise that the usurpation of power involved therein had so long been submitted to by American citizens inhabiting the Territories. The latter phase of the question could only be accounted for on the ground that in the main the usurped powers had been exercised "in justice." "And the portion of that illegal legislation

29. On this subject the message said: "Our schools, to those unacquainted with the facts and circumstances connected therewith, may seem not to have received that attention which their importance demands; at the same time each ward [i. e. an ecclesiastical sub-division of the settlements] throughout the Territory has provided one or more comfortable schoolhouses commensurate with the number of pupils to be accommodated; and proportionately more has been done in Utah for the true enlightenment of the rising generation, than has ever been accomplished under like conditions in any other portion of the Union. * * * In this great cause," said the Governor, "your influence and example can be made productive of much good, even though your judgment should leave you, during your present session, to waive direct legislation upon this subject."

copied into 'Organic Acts' for Territories could still be endured, were it not so grievously abused," said the message, "as is the case when officers are attempted to be forced upon a free people, contrary to their known and expressed wishes. . . . Even since the more odious features in the Ordinance of 1787 have been omitted in the organic acts more recently passed by Congress for Territories, which acts are but illegal patterns after that unconstitutional ordinance, officers are appointed to rule over American citizens in Territories and to have a voice in the enactment, adjudication and execution of Territorial laws; and worse still, those officers are frequently appointed from a class well known, through the rightfully expressed wishes of large majorities, to be justly objected to by those whom they are appointed to govern. *Call you that republican? It is British colonial vassalage, unconstitutionally perpetrated by tyranny and usurpation in the powers that be.*"

Attention is called to the fact that "the previous Territorial legislature familiar with the evils visited upon the innocent by the miserably bad conduct of certain officials heretofore sent here [i. e. to Utah] by government, . . . respectfully memorialized the President and senate to appoint officers for Utah in accordance with an accompanying list containing the names of persons who were her first choice for the offices placed opposite those names, but if that selection did not meet with approval, they were solicited to make the appointments from a list containing other and a larger number of names of residents who were also the choice of the people; and if that selection was also rejected, to appoint from any part of the Union, with the simple request, in such event, *that the appointees be good men*. In this matter of appointment of officers, what more rights could the most tyrannical, in a Republican government, ask a Territory to waive? Yet up to this date no official information concerning the action, if any, taken upon that memorial has ever reached us."

Instead of taking into account or considering the expressed wishes of the people of Utah, the President and Congress had listened to the "rabid clamor" against Utah by "corrupt demagogues, heartless office hunters, and the ignorant rabble, incited by numbers of the hireling clergy;" and, as reported in Utah

by travelers [emigrants enroute to California], presently to be confirmed by newspaper utterances, the administration was sending an army to Utah with the sole and avowed purpose of "compelling American citizens, peacefully, loyally, and lawfully occupying American soil, to forego the dearest constitutional rights, to abandon their religion . . . or be expelled from the country, or exterminated."³⁰ "Where now are constitutional rights?" asks the Message. "Who is laying the ax at the root of the tree of liberty? Who are the usurpers? Who the tyrants? Who the traitors?"

The message defends the course pursued in resisting the approach of the army, and adds to that division:

"We have long enough borne the insults and outrages of lawless officials, until we are compelled in self-defense to assert and maintain that great constitutional right of the governed to officers of their own election, and local laws of their own enactment."

In conclusion the governor expresses his entire confidence in the wisdom and justice of the legislature and assures them of his hearty co-operation in every measure for promoting the interest of the Territory.³¹

The message was read to the joint assembly of the houses of the legislature on the 15th; and on the 21st of the same month both houses passed and every member of each house signed a series of resolutions both for themselves and in behalf of their constituents—"knowing well their feelings and sentiments"—concurring in the sentiments and doctrines of the message of his

30. This seems extravagant; and yet from an analysis of the situation, given in the *New York Tribune* of Jan. 30th, 1858, the view presented in the text by Brigham Young is held to be one that "impresses the popular mind, and is generally accepted as the object in view," viz., that the expedition against the Mormons "is enthusiastically regarded as a holy war, undertaken in the interest of morality and religion." If the Saints cannot be corrected in their morals and converted from their religion, then the purpose is "to resort to the remedy of dispersing them by fire and sword." "This view of the object of the Expedition," adds Mr. Greely—for evidently he wrote the *Tribune* editorial—"is even taken and zealously sustained on the floor of Congress itself." In view of this statement of the case from a source so eminent, and representing what the popular view of the purpose of the Expedition was; and that the same view was even expressed and "zealously maintained on the floor of congress"—is it matter for marvel that the Church leaders had the same apprehension of its purpose? The *N. Y. Tribune* editorial is so important as a document that it is given complete in Note 2, end of chapter.

31. The message will be found *In extenso* in *Deseret News* of Dec. 23rd, 1857.

excellency, Governor Young; approving his entire policy, announcing their readiness to sustain him in every act for the protection of the lives, peace, and prosperity of the people of the Territory; neither the present nor any other administration of the central government should force profane and drunken and otherwise corrupt officials upon them at the point of the bayonet, that the attempt so to do by the present administration had incurred the contempt it deserved; they would continue to resist any attempt on the part of the national administration to bring them into a state of vassalage by appointing officers whom the people have neither voice nor vote in electing; nor should the persons appointed to office for Utah by the present administration either qualify for, or assume to discharge the functions of, the office to which they have been appointed, so long as the Territory is menaced by an invading army.³²

The next step of the legislature was to disorganize Green River county, and attach it to Great Salt Lake county for election, revenue, and judicial purposes; and the representative, after the present legislative assembly, shall be apportioned to Salt Lake county.³³ This move, of course, was intended to deprive the civil officers of Camp Scott, the control of a political subdivision of the Territory.

A joint resolution was passed by the legislature asking that Governor Young furnish the assembly with copies of the correspondence had with certain officers of the U. S. army. The correspondence was submitted accordingly, read by the clerk of the House, and ordered printed in the *Deseret News*.³⁴ A similar request was made upon John Taylor, speaker of the House, who had some correspondence with Captain Marcy of the Expedition, this also was read and ordered printed in the *Deseret News*.³⁵

32. The resolutions with the signature of Heber C. Kimball, President of the Council, and John Taylor, Speaker of the House; and the signature of each member of both houses, are published in the *Deseret News* of Dec. 23rd, 1857. "In compliance with their unanimous and cordial desire," the officers of both houses of the assembly also attached their names to the resolutions. *Id.*

33. The act is certified by W. H. Hooper, Sec. pro tem for Utah Territory, and published in *Deseret News* of Dec. 23rd, 1857.

34. See *Deseret News* of Jan. 13th, 1858.

35. *Ibid.* These letters consisted of (1) a letter from Mr. W. J. A. Fuller, introducing Captain Marcy, and affirming that Gentleman's high standing and worthiness to be taken into the confidence of "Governor Young." Mr. Fuller apprehended no sort of difficulty between the Mormon people and the U. S. forces.

Another correspondence of this period, somewhat different in character but interesting, never-the-less, as on one side, at least, it doubtless meant that bullets or rapier in single combat was behind it. This was the correspondence between Col. James Ferguson, adjutant general on General Wells' staff of the Nauvoo Legion—Utah Militia—and Col. P. St. George Cooke. The eastern press published a letter purporting to have been written by Col. Cooke, dated at Camp Scott, Nov. 29th, 1857, declaring that the Mormons were "a set of cowards, like all assassins and bullies." Colonel Cooke, it will be remembered, was the colonel commanding in the Mormon Battalion's march to the Pacific Coast, 1846; and James Ferguson, though but eighteen years of age when he enlisted, was made sargeant major of "Company A," in that Battalion. Because of his own connection with the Battalion, and Colonel Cooke's connection with it, the young and brilliant Irishman³⁶ thought proper to call his old commander

Of course Captain Marcy "obeys the orders of his superiors in going to Utah," said Mr. Fuller, "and I am sure," he continues, "that nothing is farther from his wishes or intentions than what is so flippantly styled here by the papers '*the subjugation of the Mormons*.' In this Mr. Fuller is an important witness as to what the popular conception of the purpose of the Expedition was and in what follows he is also an important witness on what unworthy testimony the Administration proceeded to its extreme act of folly in sending the Expedition to Utah. "When our government finds out that they have acted hastily and ill advisedly in thus sending troops into your peaceful country, I have no doubt that they will feel heartily ashamed of ever having listened to the malignant and foolish lies of that rascally libertine and whoremonger, Judge Drummond (upon whose testimony I would not hang a dog); and that they will permit Captain Marcy to carry out his favorite scheme of exploring the Colorado Basin." (2) A letter from Mr. Fuller to Captain Marcy, explaining that he had written the letter of introduction to Elder Taylor at the instance of the Captain's brother. (3) A brief note from Captain Marcy, inclosing the letter of introduction, and assuring Elder Taylor that the officers of the Expedition had no thought of interfering with the religious or social customs" of the Mormons. From the commencement of the march there had been an almost universal manifestation of a desire for a kind and friendly intercourse. (4) Elder Taylor's reply to Captain Marcy, made famous by repeated reproductions in both *pro* and *anti* Mormon literature. It bears the date of Oct. 21st, 1857. The letter found its way into the official documents at Washington (see House of Ex. Doc. 35th Cong., 1st Sess., X. No. 71, pp. 57-62). It sets forth the position of the people of Utah in the "Utah War," now familiar to the reader.

36. "Soldier, actor, orator, and lawyer, one of the brightest and most versatile minds and from what his friends say of him, one of the most winsome and loveable natures"—is Historian O. F. Whitney's characterization of James Ferguson, in his biography of him. (Hist. of Utah, Vol. IV, p. 180, *et seq.*). He was a native of Belfast, Ireland, and came of a protestant family of that city—his parents being Francis and Mary Patrick Ferguson. He joined the Church of the Latter-Day Saints in Liverpool when fourteen years of age, and migrated to Nauvoo, just in time to join the last company of exiles from that ill fated city, and arrived in Council Bluffs in time to enlist in the Mormon Battalion. In that trying march this "young Emmett's" "wit and humor enlivened every scene, and

to an accounting, and accordingly wrote him to the effect that the phraseology accredited to him was a very ungenerous return for the sincere respect entertained" for the Colonel "by the Mormon Battalion, and, indeed, the whole Mormon people." Ferguson hoped the Colonel could disclaim the correspondence. If not, then he asked that he make an apology. Happily the Colonel could disclaim authorship of the letter and courteously thanked his young friend for informing him of the "forgery." He also spoke of the high praise he had given the Mormon Battalion on its arrival on the Pacific coast, which high praise was now part of a U. S. Senate, official document. He also referred to his association with Ferguson on the battalion staff as a pleasant one. Subsequently he gave the Utah militia adjutant permission to publish the correspondence on the subject.³⁷

On the 6th of January the Utah legislature drew up and individually signed a lengthy memorial to the President and congress of the United States reviewing the whole course of the administration in respect of Utah affairs, and appealed, as American citizens who had been deeply wronged, for just treatment. "All we want," said the memorial, "is truth and fair play. The administration have been imposed upon by false and designing men; their acts have been precipitate and hasty, perhaps through lack of due consideration. Please let us know what you want of us before you prepare your halters to hang, or apply the knife 'to cut out the loathsome, disgusting ulcer.' Do you wish us to deny our God and renounce our religion? That we shall not do." "*Withdraw your troops,*" said the closing sentence of

he was a universal favorite" (Whitney). He was held in high esteem by Gen. Wells, who made him adjutant general of his staff in the "Echo Canon War." He led a useful and eventful life, which ended all too soon in his 36th year. He died at Salt Lake City, 13th of August, 1863.

37. This correspondence was published first in the *Deseret News* of Sept. 1st, 1858. Later in Sargeant Tyler's "Mormon Battalion," pp. 368-70. It will be found in *extenso* Note 3, end of this chapter. A letter written in a very different vein from the correspondence here referred to, and published as Note 3 at the end of this chapter, is spoken of by several Utah writers (see "History of the Nauvoo Legion"—Young—*Contributor*, Vol. IX, p. 403; also Whitney's Hist. of Utah, Vol. I, p. 659. It is also referred to in Hist. of Brigham Young, *Ms.* 1858, p. 491; but is not given there. The excerpt published in works above cited is very caustic and bitter in spirit; it was evidently written under great stress of feeling, but the sober, second thought doubtless withheld it from being sent to the Colonel, and the published letter found in Note 3, end of this chapter, took its place.

the memorial, "*give us our constitutional rights, and we are at home.*"³⁸

On January 12th, 1858, a great mass meeting was held in Salt Lake City, of which the Mayor A. O. Smoot, was chairman. The object of the meeting was to adopt an address to President Buchanan, also to the Congress of the United States, and to pass resolutions expressive of the people's feelings upon the policy of the administration towards the people of Utah—which were, of course, the Latter-day Saints—and also to express the sentiments of the people of the city respecting the course followed by the Governor and legislative assembly of the Territory in the issues which had arisen between the federal administration and the people of Utah. The addresses are long, but vigorous, nevertheless, and in them the people assert their innocence of wrong doing, recount the outrages inflicted upon them by the character and conduct of those who have been sent as U. S. and Territorial officials among them; they demand their rights as American citizens, including community self-government, and reiterate their intention to maintain those rights at whatever sacrifice circumstance might make needful.³⁹

The series of resolutions cover the whole history of outrages committed against the Latter-day Saint communities from the expulsion from Jackson county in 1833, up to the launching of the Utah Expedition. They most heartily endorse the policy of Governor Young, and the action of the legislature in sustaining him in that policy by resolutions of confidence and declarations

38. The document in full is published in the *Deseret News* of Jan. 13, 1857.

39. The closing paragraph of the address to the Congress of the United States is as follows:

"We call upon you to reconsider your acts, to mete out to us even-handed justice, to withdrawn your army, restore our mails, execute justice upon our oppressors, and give us our Constitutional rights. We ask no more, but that, in the name of God, we will have, He being our helper. * * * We come not to you with smooth speech, or honeyed words; we have not learned to cringe beneath the lash of tyranny, nor to basely lick the feet of public servants who undertake to oppress us. We approach you as your equals, and frankly, openly and above board ask for our rights. We will not tamely submit to be abused, as we have been hitherto. We approach you not as a clique, a cabal, or a miserable faction; our voice is the united voice of nearly one hundred thousand Americans, laboring under the most unprecedented cruelty, outrage and wrongs, and our cry is, give us our Constitutional rights, let us enjoy our liberty in peace, and let even-handed justice be administered throughout the land, for we will no longer wear your cursed yoke of unconstitutional requirements."

of intention to maintain the policy of resistance for the future, recking not of consequences.⁴¹

These documents are doubtless somewhat extreme in their setting forth of grievances, and some parts are not germane to the issues then joined; but that they are the fearless utterances of strong, brave, patriotic, and talented men, none can doubt who read them and give them fair consideration, making allowance only for the intense stress of feeling under which they were drawn up and adopted.

In addition to this mass meeting held in Salt Lake City, similar meetings were held in many parts of the Territory—Farmington, on the 17th of January,⁴² Lake City, Alpine, Pleasant Grove, Freedom and Provo in Utah county;⁴³ Manti in Sanpete county; Willow creek, Box Elder county;⁴⁴ Parowan and Paragoona in Iron county, also Washington, Washington county;⁴⁵ and still later in Lehi, Santaquin, Fillmore, Cedar City, and other places. All these meetings were of the same general tenor as that held in Salt Lake City, and passed resolution in the same spirit, though less elaborate.

The legislature during its session established an "express and weekly mail" to all parts of the Territory, also established a "standing-army" for the Territory, to which purpose was appropriated \$1,000,000 to be raised by taxation. The force was to consist of ten battalions of mounted riflemen, "prepared for constant service," aggregating one thousand men.⁴⁷

41 On the point of sustaining Governor Young in resisting the entrance of the army into Salt Lake Valley, and sustaining the legislature in sanctioning that action, the resolution said:

"Resolved that we highly approve of the constitutional, patriotic, and humane course pursued by his Excellency, Governor Brigham Young, in taking efficient measures to intercept the progress of these unwelcome, unasked for and corrupting intruders."

All these documents, addresses and resolutions of the mass meeting, held in Salt Lake City, will be found in *Deseret News* of Jan. 27th, 1858.

42. *Deseret News* of the 27th January.

43. *Ibid* of Feb. 3rd.

44. *Ibid* of Feb. 17.

45. *Ibid* of March 3rd and March 10th.

47. See Hist. Brigham Young, ms., pp. 181-182. Under date of 20th of February, 1858, the following entry is made: "the people of this territory have voluntarily raised an armed force of one thousand mounted men, at an expense of one million dollars. *Id.*, p. 186, *et passim*. Many enactments were passed by this legislature granting herd grounds, ferry, and timber rights, and other special privileges to various persons (see "acts and resolutions of the Legislative Assembly of the Territory of Utah, 1856-7," pp. 3-25), nearly all of which were repealed by the succeeding legislature.

The manufacture of gun-powder was in progress at Cedar City, Iron county, during the winter, and it tested out satisfactorily. The erection of another powder mill during the winter was begun in Provo. The people were also urged in the public discourses of the leading Elders to prepare to cache flour, grain, other food stuffs, and property, in the event of its becoming necessary for the community to destroy their homes by burning, to lay waste their lands, and to retreat to the mountain fastnesses at the approach of the army now in their borders; and was to be augmented in the Spring by re-inforcements which the federal administration had ordered to join the Utah Expedition.

NOTE 1. THE TREASON OF JOHN B. FLOYD: Secretary Floyd is named by Bryant-Gay-Brooks' History of the United States (Scribner's Sons—1898) as among the Virginia group of leaders—six in all—who proved their “devotion to the cause of Secession by their activity in promoting that cause—up to the verge of fighting.” Also Mr. Floyd is named by the same authority as being among the four chiefs who “were not only notably active, but especially influential in hurrying the steps that led up to the attempt to dissolve the Union.” “While these men were drawing pay from the treasury of the United States, they were plotting for the destruction of the Union of the states, and while they were holding confidential relations with the Chief Executive, they were in constant communication with the insurgents, sending them information accessible only to the high officials of the government; and they remained in place as long as they could best serve their fellow conspirators, without exceeding the bounds of their personal safety.” “As a curious example of the astuteness and the intelligence with which one of these men, John B. Floyd, had calculated the possibilities and probabilities of Secession,” my authority continues, “quotation may be made from a letter written by him, November 20th, 1860, while he was yet exercising the functions of Secretary of War. Writing to a friend (a Mr. Peterson, of Mississippi), Floyd said: ‘South Carolina will go. I consider Georgia and Florida as certain. Alabama probable. Then Mississippi must go. But I want Louisiana, Texas, Arkansas, Tennessee, North Carolina, Virginia, and Maryland will not stay behind long.’” (Hist. U. S. Bryant-Gay-Brooks, Vol. IV, p. 440).

Floyd also became a brigadier-general in the confederate army, and commanded at Fort Donaldson up to the very eve of its fall; and here his behavior was no more creditable as a soldier than

it had been as a cabinet officer; for when General Grant had the fort completely invested, and the southern army beaten to the point where "unconditional surrender" or annihilation was the only alternatives, Floyd transferred the command to General Pillow, "making it a condition that he would be allowed to take his own brigade across the river, there being barely enough boats for that purpose. "Floyd and his men," says the historian, John Laird Wilson, quoted approvingly by Alexander H. Stephens, "went on board a steamer at the wharf, and steered off amid the curses and hisses of their former companions in arms. It was a shameful transaction; . . . *Floyd had now appeared in his true character.*" (History of the U. S., Alexander H. Stephens, p. 645). For his shameful part in the Fort Donaldson affair General Floyd was relieved of his command in the confederate army by President Jefferson Davis; but the state of Virginia appointed him a Major General in her own service. He did not long survive the disgrace that had overtaken him, however, as eighteen months later he died at his home in Abingdon, Virginia.

NOTE 2. THE NEW YORK TRIBUNE EDITORIAL ON THE PURPOSE OF THE UTAH EXPEDITION: Mr. Henry Wilson, U. S. Senator from Massachusetts, submitted a proposition to the senate to appoint a commission to inquire into the difficulties in Utah, and the New York *Tribune*, then edited by Mr. Horace Greely, commented on that proposition under the caption—

COMMISSION FOR UTAH

"The proposition of Mr. Wilson submitted to the United States Senate for a commission to inquire into the difficulties with Utah, is exceedingly well timed. This collision with the Mormons has come to be altogether too serious a matter to be allowed to go on without a thorough investigation of the grounds upon which we stand, and a distinct settlement in our own minds of what precisely we intend to do, and of the means and methods which we propose to employ.

As yet, as to all these points, there prevails both in the public mind and at Washington, to judge from the utterances in Congress on this subject, nothing but the most vague ideas. The sending an army to Utah is commonly understood to have been undertaken on the ground that most of the United States officials in the Territory—all who were not Mormons—had been compelled to quit it, and that the presence of a strong military force was necessary both to insure the personal safety of the new Governor, Judges and other officials, and still more to enable them

to exercise any of the duties of their respective offices. It has been alleged that persons, not Mormons, resident in the Territory passing through it, have been, as a general thing, subjected to great annoyances and oppressions, and that the presence of a strong military force was absolutely necessary to secure to those non-Mormons, whether residents or travelers, the ordinary rights of citizens. It has further been alleged that there are in the Territory, large numbers of persons who are held at once in civil and spiritual durance, compelled by fear and force to submit to an authority and to conform to a social and religious system which they abhor, and from which they would gladly escape did they see any prospect of being protected in doing so; and to afford this protection to those standing in need of it has been stated, though not in any official form, as one of the objects of the expedition.

It cannot be concealed, however, that apart from all these reasons for the military occupation of Utah, there is still another view of the object of the expedition, which more than all the rest, impresses the popular mind, and is generally accepted as the object in view. The Mormons have adopted polygamy as a part of their religious creed and social practices; a custom abhorrent to our ideas and manners. In this character of polygamists, they have become objects of extreme antipathy. Their pretensions to peculiar spiritual enlightenment, and to be the depositories of new revelations, cause them to be regarded by many religious persons, not merely as deluded fanatics, but as blasphemous hypocrites. Hence, the pending expedition against them is enthusiastically regarded as holy war, undertaken in the interests of morality and religion, intended to convert the Mormons to more correct ideas on the subject of matrimonial relations and religious truth; to break up their polygamous households, and to compel them to be content with one wife each; or should they not be brought to reason as to these matters by the precept and example of the new civil officers, seconded by the officers and soldiers of the army, then to resort to the remedy of dispersing them by fire and sword. This view of the object of the expedition is even taken and zealously sustained on the floor of Congress itself.

If the Mormons are ready to set themselves up as God's chosen people, standing in the place of the Israelites of old, there is scarcely less disposition in other quarters to regard them as a sort of modern Cananites whose infamous wickedness affords sufficient warrant even for their utter extermination.

It is in this last character of the Expedition that the Mormons have resisted its entrance into their country. They deny the

charge of any refusal of justice to, or of wrongs and oppressions exercised upon, those persons resident in Utah or traveling through it, not of their religious faith. They deny that any part of their own people are held under restraint beyond that domestic and legal restraint which exists and must exist in all well ordered communities. They deny that the officers of the United States who have left the Territory acted under any compulsion, or had any other reason for their conduct except discontent that they could not have everything their own way. Their objections to the entry of the troops into their country is, that they are to be employed as the instruments of a religious persecution, and that the real object of the expedition is to annoy, rob and plunder them, and to drive them out of Utah, as they have been heretofore driven out of Missouri and Illinois.

The vast expense which must attend the maintenance of our army in Utah, not to mention the horrors of civil war, and the desperate character of the resistance which the Mormons threaten to oppose to the entrance of the troops affords abundant reason why the necessity of this operation should be fully may be in possession of the Executive, we do not know; but all established and its object clearly explained. What information the actual knowledge which the public possesses is very limited.

If the Mormons have chosen to pay more deference to their religious chiefs than to the officers appointed for them by the United States Government, if they have preferred the arbitration of one of their Bishops or Elders to a suit at law before Judges not of their own appointment, that is no more than they are at liberty to do.

We can well conceive that the officers appointed by the United States might find their offices almost or quite a sine-cure, and that Church jurisdiction might gradually elbow the civil jurisdiction aside, without any acts on the part of the Mormons in actual defiance of law.

We can well imagine, too, that in a fanatical community like that of Salt Lake City, the few resident "Gentiles" might find themselves in an uncomfortable position and subjected to a thousand annoyances which yet might not place the Mormons in the attitude of legal wrongdoers. Unfortunately it is not necessary to go so far as Utah to find abundant cases of that sort.

It is to be supposed, however, that the investigation proposed by Mr. Wilson would show something stronger than anything of this sort, such a resistance to law as would fully justify the Administration in having originally undertaken the expedition. It would also afford the Government an excellent opportunity for explaining precisely what they intend the troops shall do—an

Explanation in the present state of public opinion much needed, and which might leave the Mormons without any colorable grounds to resist the entrance of the troops." (New York *Tribune*, Jan. 30th, 1858. The article is copied into Hist. Brigham Young, Ms. January, 1858, pp. 161-167).

NOTE 3. THE CORRESPONDENCE BETWEEN ADJUTANT GENERAL JAMES FERGUSON OF THE UTAH MILITIA, AND COL. P. ST. GEO. COOKE, U. S. DRAGOONS: The correspondence as it appears in the *Deseret News* of Sept. 1st, 1858,—Colonel Cooke still being at Camp Floyd—was introduced by the following explanatory note to the *News' Editor*:

GREAT SALT LAKE CITY,
Aug. 20, 1858.

EDITOR *Deseret News*:—Having been requested by numerous friends to publish the accompanying letters, and obtaining the permission of Col. Cooke to do so, I shall feel obliged by your insertion of them in the *News*.

Very Respectfully

Yours in Christ,

JAMES FERGUSON.

CORRESPONDENCE.

GREAT SALT LAKE CITY, U. T.,
May 4th, 1858.

SIR:—In looking through files of Eastern papers lately received, I saw a letter purporting to have been written by you, and dated at Camp Scott, Nov. 29, 1857.

In that letter you assert that the "Mormons are a set of cowards, like all assassins and bullies."

I am what is generally termed a "Mormon," and as such served my country honorably under your command. Your statements I consider most unwarranted, and a very ungenerous return for the sincere respect entertained for you by the Mormon Battalion, and, indeed, the whole Mormon people.

I sincerely trust that you have it in your power to disclaim the authorship of that letter. If not, as an American citizen and a gentleman, spurning the epithets hurled at me in connection with a people of whom in the midst of their worst misfor-

tunes I am proud, I ask you kindly and with respect, to make that apology which your high sense of honor will suggest is due.

I have the honor to remain,

Most respectfully, etc.,

JAMES FERGUSON,
Brig. Gen. Mil. U. T.

ADJ. GEN. LT. COL. P. ST. GEO. COOKE,
2d Dragoons, U. S. A.,
Camp Scott.

HEAD QUARTERS 2D DRAGOONS,
CAMP FAULKNER, June 8, 1858.

SIR:—I have this day received your letter of May 4th, respecting the authenticity of a letter, which, you say, was published in an Eastern newspaper, “purporting to have been written by (me),” and in which I “assert the Mormons are a set of cowards, like all assassins and bullies.”

I wrote no such letter: I wrote no letter for publication. I never wrote or spoke such a sentence. I left Camp Scott November 26th, and did not return: the letter, you say, was dated there November 29th.

I never saw such a letter in the papers, or heard of its existence, until lately as a rumor from Salt Lake City.

I thank you for informing me of this mysterious forgery. My sense of the performances of the Mormon Battalion was expressed at San Luis Rey, in an order which you remember, and which stands printed in a Senate Document; and I can only refer to my connection with you on the Battalion Staff, as a satisfactory and pleasant one.

Very respectfully,

Your obedient servant,

P. ST. GEO. COOKE,
Lt. Col. 2d Drag's.

GEN. JAMES FERGUSON,
Salt Lake City,
Utah Territory.

CHAPTER XCII

COLONEL THOMAS L. KANE'S ARRIVAL IN UTAH: THE NATURE OF HIS MISSION: “THE MOVE SOUTH” INAUGURATED

In the midst of the Utah conditions described in the preceding chapter, Col. Thomas L. Kane appeared upon the scene. He ar-

rived in Salt Lake City on the 25th of February, 1858, coming from New York *via* Isthmus of Panama to Los Angeles, then by the southern overland route. Though in a delicate state of health Col. Kane, even against the protests of his father, Judge John K. Kane¹—undertook this long and difficult journey, attended only by a single companion—a servant—and this in the interests of his friends, the Latter-day Saints. The last stage of the journey the Colonel traveled in a heavy spring carriage, drawn by four horses. There was also a saddle horse for the use of the party. The Colonel was accompanied only by three men, Mormons, John Mayfield, George Clark, Joseph S. Tanner. At Cotton Wood Springs, some twelve or fifteen miles from Los Vegas, the little party came upon the camp of Amasa M. Lyman and his family, and a few others, then enroute for Utah. Elder Lyman had joined the party only a day or two before, having come from Salt Lake valley for the purpose of meeting his family and accompanying them to Utah. When Colonel Kane reached this friendly camp he was suffering greatly from the cold and the general hardship of the journey, and was glad to rest a day with these kindly disposed people and be refreshed by their hospitality, not the least item of which was the “home cooking” of “Sister Lyman.” A buffalo robe was cut up and made into leggings and hand and arm mufflers, the product of the skilled needle work of sister Rhoda Ann Lyman, wife of Francis M. Lyman, eldest son of Amasa M. Lyman, who was also in the family encampment. Thus refreshed and better clad to meet the bitter cold of the remaining desert journey, and with the elder Lyman added to his company, the Colonel continued his journey to Salt Lake City, where he arrived as above stated.²

Journal and Hist. of Brigham Young *Ms.* entry for 25th Feb., pp. 214-215.

The Colonel had traveled under the assumed name of “Dr. Osborne,” a cognoman he preserved for some time even in Salt Lake City, excepting in the meetings of the leading authorities of the Church, where he was known and treated as their old,

1. “He (Col. Kane) acted under a deep conviction of duty against the advice of his excellent father, Judge Kane, since deceased, and other members of his family.” Letter of Sec. John B. Floyd to Messrs. Powell and McCulloch, Apr. 12, 1858. House Ex. Doc., 35th Con., 2nd Sess., Vol. II, pt. 2, p. 162.

2. Journal of F. M. Lyman, entry for Feb. 12th, 1858. Also Woodruff’s

familiar friend of earlier days at the encampments on the Missouri. A meeting was called on the evening of the day of his arrival, at which the Presidency of the Church and several of the leading apostles were present. He was introduced as "Dr. Osborne" by Joseph A. Young, and according to Wilford Woodruff, who was present at the meeting, and made a somewhat extended record of the interview in his daily journal, was very formal in opening, and announced himself as authorized to lay before these Church leaders "most fully and definitely the feelings and views of the citizens of our common country, and of the feelings of the Executive towards" them, "relating to the present position of officers of this territory, and of the army of the United States now upon your [our] borders." "After giving you the most satisfactory evidence in relation to matters concerning you now pending," continued the Colonel, "I shall then call your attention and wish to enlist your sympathies in behalf of the poor soldiers who are now suffering in the cold and snows of the mountains, and request you to render them aid and comfort, and to assist them to come here and to bid them a hearty welcome into your hospitable valley."³ He then turned to Governor Young and requested an interview with him alone, and begged the other gentlemen of the company to excuse his formality. President Young and the Colonel retired accordingly and were absent about half an hour. But when they returned to the meeting no further reference was made that evening, nor apparently for some time afterwards, to the special mission of Col. Kane. The rest of the evening was passed in pleasant and informal conversation. There was reference made to Captain Van Vliet's report of Utah conditions, Col. Kane bearing witness that said report had done great good for the people of Utah. Replying to questions on the respective subjects, he stated that Dr. Bernhisel had taken his seat in congress; that all in Congress were not "united in putting Utah down." The conversation turned upon the prosperity of the Saints, upon the healthful appearance of the brethren present, the probable reasons for it, the labors of President Young, Col. Kane's own

3. Journal of Wilford Woodruff, entry for 25th of Feb., 1858.

health—his indifference to length of days⁴—which brought forth a disquisition on life by President Young, in which he incidently said— “It is not in the power of the United States to destroy this people, for they [the United States] are in the hands of God, and so are we; and he will do with us as he pleases, and if we do right God will preserve us.”⁵ The President closed the interview by saying directly to Col. Kane—

“Brother Thomas, the Lord sent you here, and he will not let you die. No! you cannot die till your work is done: I want to have your name live with the Saints to all eternity. You have done a great work, and you will do a greater work still.”⁶

What passed in that thirty minutes private interview between Governor Brigham Young and Col. Kane has never been definitely known. What plan of reconciliation the Colonel proposed to the Prophet, was never explicitly revealed; except that from the Colonel's remarks in the introduction of his mission to the council, as given in preceding paragraphs, it may be inferred that his plan contemplated not only the peaceful entrance of the army at Camp Scott into Salt Lake valley, but that it would come with the assistance of the Saints, and partake of their hos-

4. The Colonel, by the way, seemed a bit morbid upon this subject, for he remarked in answer to President Young's suggestion that he (Kane) could now, doubtless, endure more than he could ten years ago, *that he feared he could*; and added: “I feel that my life don't pay, and I feel like going away as soon as it is the will of God to take me.” (Woodruff's Journal account of the interview, entry for 25th Feb., 1858. This brought forth Pres. Young's disquisition on life above referred to: “I know that to take this life as it is, and as men make it, it does not appear worth living; but I will tell you that when we see things as they are you will find life is worth preserving and blessings will follow our living in this life, if we do right. Now if God should say I will let you live in this world without any pain or sorrow, we might feel life was worth living, but this is not in the economy of God. We have to partake of sorrow, affliction, and death, and if we pass through the affliction patiently, and do right, we shall have a great reward in the world to come.” *Ibid.*

5. This remark represents the whole policy of Brigham Young in this issue between the Church of Latter-day Saints and the Government. It was both *Alpha* and *Omega* in his philosophy on the subject; he never deviated from it. Stating in public the latest news that had been received concerning the movements of the U. S. troops under Col. Alexander, he said: “Well, we are in the hands of the Lord our God, and he will over-rule things just as he pleases. Many want to know what the result will be, and they want the Lord to give them revelation. Get revelation if you can.” * * * I know that all will be made right, and an All Wise, Overruling Providence will bring us off victorious. * * * God will fight our battles, and he will do it just as he pleases. * * * *God is at the helm.*” Remarks at the Old Tabernacle, October 4th, 1857. (*Deseret News* of October 14th, 1857). He frequently repeats such expressions throughout this period—See *Ms. Hist. and Discourses, passim.*

6. Journal of Wilford Woodruff, entry 25th of Feb., 1858.

pitality. But whatever recommendations the Colonel made, they were not acceptable to President Young. And that was doubtless the reason why there was no further mention of the purpose of Col. Kane's mission when the two returned to the council meeting after their half hour private conversation.^{6½}

On the 28th of February, President Young made public reference to the presence in the city of a "gentleman from Washington," a "Dr. Osborne," about whom the people were anxious to hear, and for that reason had gathered to the tabernacle in such large numbers, and at so early an hour (9.30 a. m.). "His errand," said President Young, "was of no particular moment to the people or himself [i. e. to President Young]; that he had come on his own responsibility and at his own expense, to see and learn the situation of affairs here, etc." After giving instructions in relation to the brethren who were going out into the mountains to stand in the defence of the people he again referred to "Dr. Osborne" and what he had recommended, saying: "Dr. Osborne had pleaded with him, in his own name, to stay the hand of the brethren against the army, for they were in our power."⁷

This makes it clear that Col. Kane did not come to Utah in any official capacity from the President of the United States to treat with the Mormon people, neither as "an ambassador

6½. Col. Kane as "Dr. Osborne" was made welcome at the home of Elder W. C. Staines. Elder Staines had never met the Colonel, being absent on a mission to the Indians during the latter's visit with the Saints in their Missouri encampments in 1846. In a few days, however, he learned who his visitor was, and asked him why he had thought it necessary to be introduced into his home as "Dr. Osborne," to which the Colonel, according to Tullidge, answered: "My dear friend, I was once so kindly treated at winter quarters that I am sensitive over its memories. I knew you to be a good people then; but since, I have heard so many hard things about you, that I thought I would like to convince myself whether or not the people possessed the same humane and hospitable spirit which I found in them once. I thought, if I go to the house of any of my great friends of Winter Quarters, they will treat me as Thomas L. Kane with a remembrance of some services which I may have rendered them. So I requested to be sent to some stranger's house, as 'Dr. Osborne,' that I might know how the Mormon *people* would treat a stranger at such a moment as this, without knowing whether I might not turn out to be either an enemy or a spy. And now, Mr. Staines, I want to know if you could have treated Thomas L. Kane better than you have treated 'Dr. Osborne.'"

"No, Colonel," replied Elder Staines; "I could not."

"And thus, my friend," added "Dr. Osborne," "I have proved that the Mormons will treat the stranger in Salt Lake City as they once did Thomas L. Kane at Winter Quarters."

7. Hist. of Brigham Young, Ms. entry for Feb. 28th, 1858, pp. 219-220.

from the Chief Executive of our nation," as unfortunately phrased in Woodruff's journal,⁸ nor as "the agent of the administration," as he is called by Tullidge,⁹—or as "a private envoy of the government;"¹⁰ but, as stated by President Buchanan in his letter acknowledging the expressed intention of Col. Kane, his purpose was to voluntarily serve "the Mormons, at his own expense, and without official position." Moreover, President Buchanan declared in the aforesaid acknowledgment— "I could not at the present moment, in view of the hostile attitude they [the Mormons] have assumed against the United States, send any agent to visit them on behalf of the United States."¹¹ President Buchanan had little hope of the success of Colonel Kane's self-imposed mission; but he furnished him with a letter, since nothing could divert the Colonel from his purpose, commending him to the favorable regard of all officers of the United States whom he might meet in the course of his travels, and who would no doubt, in the exercise of whatever discretion their instructions might permit, render him all the aid and facilities in their power in expediting the journey he had undertaken "of his own accord," to accomplish the pacific and philanthropic objects he had in view.¹²

Referring again to the fact that President Young did not accept the proposals of Colonel Kane for the settlement of the Utah difficulties, and in further evidence of that fact, I quote what President Young said in August of 1858 in the presence of Wilford Woodruff, Heber C. Kimball, Joseph Young "and several others:"

"President Young in conversing with the brethren, said, both good and bad men will act out what was in them; but God controls all the acts of men. When Colonel Kane came to visit us, he tried to point out a policy for me to pursue. But I told him I should not turn to the right or left, or pursue any course, only

8. Entry for 25th of February, 1858.

9. History of Salt Lake City, p. 205-c. f.

10. Whitney's Hist. of Utah, Vol. I, pp. 666-7.

11. Letter of President Buchanan, House Ex. Doc. 35th Cong., 2nd Sess., 1858-9, pp. 162-3. Later, of course, the President changed that attitude and sent "Peace Commissioners," as we shall see, to Utah.

12. *Ibid*, p. 163. Both letters here referred to are given in full, Note 2, end of this chapter.

as God dictated. I should do nothing but what was right. When he found that I would not be informed, only as the spirit of the Lord led me, he felt discouraged and said he would not go to the army." But finally, he said, *if I would dictate he would execute*. I told him that as he had been inspired to come here, he should go to the army and do as the spirit of the Lord led him, and all would be right. He did so, and all was right. He thought it very strange that we were not afraid of the army. I told him we were not afraid of all the world; if they made war upon us the Lord would deliver us out of their hands, if we did right. God controls all these matters."¹³

It was in this spirit then that Colonel Kane went to Camp Scott after remaining in Salt Lake City from the 25th of February to the 8th of March. President Young furnished him an escort of horsemen and gave him a letter "accrediting him as a negotiator in the existing difficulties."¹⁴ The Colonel's Mormon escort accompanied him to the Little Muddy, within about twelve miles of Camp Scott, from which point he proceeded alone, arriving at the camp on the evening of March the 12th. His entrance into Camp Scott is thus described by the writer for the *Atlantic Monthly*:

"On the previous evening,—March 12th,—the monotony of the camp had been unexpectedly disturbed by the arrival, from the direction of Salt Lake City, of a horseman completely exhausted by fatigue and cold, who proved to be no other than Mr. Kane, whose mission to the Mormons by way of California was at that time totally unknown to the army. The next morning he introduced himself to the Governor, was received as his guest, and remained in conference with him throughout the day. What was the character of their communication is unknown, except by inference from its results."¹⁵

It was quite generally held that it was Col. Kane's studied in-

13. Hist. Brigham Young Ms., entry for 15th August, 1858, p. 927. The Colonel, it seems, asked Elder Heber C. Kimball "what would be the result if he (Col. Kane) spoke against the Mormons." Elder Kimball answered him by saying that "his mind would become barren and he could not do any good, but would droop and die;" but as long as he would "stand up for this church" he would "be fruitful and feel well." *Ibid*, pp. 927-8.

14. "Utah Expedition" *Atlantic Monthly*, for April, 1859, p. 479. The writer for the *Atlantic* mentions such a letter being exhibited in connection with the letters he carried from President Buchanan. I find no reference to such letter in Mormon Church annals.

15. Utah Expedition *Atlantic Monthly*, April, 1859, p. 479.

tention to ignore the army and its commander in his negotiations for the pacification of the Territory, and its reconciliation with the federal administration.¹⁶

In pursuance of this intention it is said that he ignored the challenge of the sentry of the picket post he first encountered; and when the sentry, receiving no answer to his challenge, fired upon him, the colonel "broke the stock of his [own] rifle over the sentry's head." When surrounded by the excited post, "with characteristic politeness, as well as diplomacy, [he] requested to be conducted to the tent of Governor Cumming,"¹⁷ which was done, and Governor Cumming receiving him cordially.

16. See Tullidge, *Life of Brigham Young*, 1877, p. 292; also *Hist. Salt Lake City*, 1885, p. 205. This idea seems to have originated with Tullidge and followed by Linn (*Story of the Mormons*, p. 503) *et al.* Even the writer in the *Atlantic Monthly* conveys this impression by saying that Col. Kane exhibited letters from President Buchanan and from President Young, to Governor Cumming and Judge Eckles, but "to Gen. Johnston he showed nothing; nor did the Governor, to the knowledge of the camp, acquaint either that officer or any other person with the purport of his business. *Atlantic Monthly*, April, p. 479. The *Atlantic Monthly* plunges still further into error by saying later: "Considering that he [Kane] was within the guard lines of a military encampment, in a country where a state of warfare existed, it was perhaps too great forbearance on the part of the General (Johnston was made Brevt. General during the winter 1857-8) not to have required to be informed of his business, since he, himself *volunteered no explanation.*" *Id.*, p. 481.

17. The story so far as I know rest upon the narrative of Tullidge, (*History of Salt Lake City*, p. 205), who cites no authority for the incident, neither do any of those writers who follow him. That some unpleasantness with the picket guard took place, however, is quite certain from correspondence between Johnston and Kane, preserved in official documents; but whether the above is the correct version of it or not may be matter of some doubt. Two days after his arrival in Camp Scott, Col. Kane addressed a letter to Col. Johnston calling attention to a report in the camp that a horseman or group of horsemen, discerned at a considerable distance—eleven or twelve miles from Fort Bridger on Muddy Creek—were approached by a party of soldiery of Johnston's command, and, without notice, fired upon. Col. Kane wrote to inform Johnston, if he was not already aware of the fact, that there might be "a person or persons in waiting" for communication from him respecting certain proposals that he had submitted to Colonel Johnston from Brigham Young with reference to cattle and flour to be sent to the army—mentioned later in the text of this history—and he therefore asked Col. Johnston "to issue such orders as will prevent unnecessary blood shed." F. J. Porter, Asst. Adjut. Gen. makes a note on Col. Kane's letter that no such party under the circumstances mentioned had been fired upon. Col. Johnston addressed a note to Col. Kane saying: "I regret that the party in question, if a portion of your escort, did not come in with you, or was not reported to me. In that case their safety would have been assured to them; and I now have to say to you, if the person or persons alluded to can be communicated with by you, or you can inform me where they can be found, I will give such orders as will insure their protection, and take care that they suffer no molestation." In a second letter to Johnston, Col. Kane gave a description of his guide to the vicinity of Camp Scott—Lewis Robinson—and said of Col. Johnston's strict orders respecting armed persons or parties approaching the camp: "But that it would be out of place on my part, I would express my regret at the strictness of your orders." He also said that he had been informed that he would need a "countersign" to enable him to pass sentinels, &c., when desirous to "communicate" with those outside the camp, who might be waiting for his communications. "Will you be good enough to give me what you think I should be

One must needs think an American picket post of the regular army had peculiar notions of a picket's duty, if it would take an entire stranger entering their lines with violence in the manner described, to a civil officer residing in the camp, and not before the proper military commander.

Of course Colonel Kane's mission had primarily to do with the civil authorities appointed for Utah, and then residing in the camp, Governor Cumming and Chief Justice Eckels; but, as we shall presently see from correspondence between Colonel Johnston and Colonel Kane, if the former took no part in the negotiations for the settlement of Utah's affairs, in which Colonel Kane was so prominent a factor, it was because he stubbornly refused to become a party to the consideration of those matters Colonel Kane had to propose. Unconditional submission to the proclamation previously issued by Governor Cumming was the only basis of settlement, from his view point, that could be made that would be honorable to the government. Previous to Colonel Kane's advent into Camp Scott, namely, date of January 20th, 1858, Colonel Johnston had written Major Irvin McDowell, Assistant Adjutant General of the U. S. Army, as follows:

“Knowing how repugnant it would be to force these people into unpleasant relations with the federal government, I would, in conformity with the views also of the commanding general, on all proper occasions have manifested in my intercourse with them a spirit of conciliation, but I do not believe that such consideration for them would be properly appreciated now, or rather would be wrongly interpreted; and, in view of the treasonable temper and feeling now pervading the leaders and a greater portion of the Mormons, I think that neither the honor nor the dignity of the government will allow of the slightest concession being made to them. They should be made to submit to the constitutional and legal demands of the government unconditionally. An adjustment of existing difficulties on any other basis would be nugatory. Their threat to oppose the march of the troops in the spring will not have the slightest influence in delaying it; and

provided with,” he concluded. The correspondence will be found *in extenso* in House Ex. Doc. 35th Cong., 2d Sess., Vol. II, p. 88-91. It may have been from the incidents named in this correspondence that gave rise to Tullidge's version of Col. Kane's alleged adventure. It at least seems strange that the sentry challenge and the broken gun stock gets no mention in this correspondence.

if they desire to join issue, I believe it is for the interest of the government that they should have the opportunity.¹⁸

Knowing that Colonel Johnston entertained these stern views with reference to Utah affairs, the reader will better understand how he could not enter into negotiations Colonel Kane had to propose; and how that gentleman, learning Colonel Johnston's uncompromising attitude, would soon come to leave him outside of consideration in pursuing the object of his mission.

The day after the departure of Colonel Kane from Salt Lake City, President Young sent by special express—his son, Joseph A. Young, and Geo. Stringham—a letter, saying that he had just learned through the "southern Indians" that the troops of the Expedition were "very destitute of provisions." A Mr. Gerrish formerly a merchant of Salt Lake City, supposed to be detained at Camp Scott by Colonel Johnston, had quite a herd of cattle in Salt Lake valley—about two hundred head,—a portion of which were tolerable good "beef." As Mr. Gerrish would doubtless like a good market for his herd, and President Young knew no better market than that afforded by the United States army, he proposed sending out this herd, that Mr. Gerrish might dispose of it to the army who surely needed the beef. President Young in this letter also declared his intention to send out fifteen or twenty thousand pounds of flour to the army, "to which they will be made perfectly welcome, or pay for, just as they choose," said the communication. All this President Young proposed to forward "in a few days," as soon as the arrangements could be made and the snow would admit of such a shipment.¹⁹ This proposition Colonel Kane early submitted to the Colonel commanding the Expedition who answered curtly by letter on the 15th of April, saying that President Brigham Young was "not correctly informed with regard to the state of the supply of provisions of this army." "There has been no deficiency" he declared, "nor is there any now. We have abundance to last until the government can renew the supply." And then he adds with some show of feeling— "Whatever might be the need of the army under my command for food, we would neither ask nor receive from Pres-

18. House Ex. Doc. 35th Cong., 2nd Sess., Vol. II, Pt. II, p. 44.

19. House Ex. Doc., 35th Cong., 2nd Sess., Vol. II, Pt. II, pp. 87-8.

ident Young and his confederates any supplies while they continue to be enemies of the government." He denied that Mr. Gerrish had been detained in his camp, that as a matter of fact that gentleman had started for the eastern states some weeks before, and had been at liberty, as had every other citizen, to go wherever he pleased except to Salt Lake City, or some other position occupied by an armed body of Mormons opposed to the government, all intercourse with the enemy being prohibited by the 56th and 57th articles of war." If Mr. Gerrish desired his cattle sent to him, he would interpose no obstacle, beyond stipulating that they should be delivered on the Muddy, "ten miles in advance of this camp"—i. e. Camp Scott. "However unfortunate the position now occupied by that portion of the citizens of Utah belonging to the sect of Mormons," he concludes, "it is of their own seeking, and it is one from which they can be relieved by the mere act of obedience to the proclamation of Governor Cumming. Having the question of peace or war under his own control, President Young would, should he choose the latter, be responsible for all the consequences."²⁰

To this Colonel Kane answered by note consenting, "at the request of his Excellency Governor Cumming," to bear the reply the Colonel had requested him to communicate to President Young. "I fear," said Colonel Kane, "that it must greatly prejudice the public interest to refuse Mr. Young's proposal in such a manner at the present time. *Permit me therefore to entreat you, most respectfully, to reconsider it; and, adverting to my offer made you orally on Sunday afternoon (March 14th—two days after Kane's arrival in camp), ask permission to impart to you additional information with respect to the posture of affairs at Salt Lake City, if you can encourage me to believe that by so doing I may yet hope to modify your views.*" He begged not to hasten Colonel Johnston's determination as to the proposition made—desired evidently that he might have time to think matters over; but no further consideration was given to Colonel Kane's entreaty.²¹ It is evident from this correspondence that

20. Johnston's letter to Colonel Kane, 15th of April, 1858, which he asks Col. K. to communicate to President Young. House Ex. Doc. 35th Cong., 2nd Sess., Vol. II, Pt. II, p. 88.

21. The whole correspondence alluded to in the text will be found in House Ex. Doc. 35th Sess., Vol. II, Pt. II, pp. 87-91.

Colonel Kane did not fail to give Colonel Johnston an opportunity to enter into negotiations with himself and the civil officers of the Territory in the settlement of Utah affairs.

Following this correspondence an episode occurred at Camp Scott which tended further to strain the relations between Colonels Kane and Johnston. An invitation to an officers' dinner was dispatched from headquarters to Colonel Kane—regarded by Colonel Johnston's friends as in itself a great compliment in a camp where rations were so abridged. The orderly entrusted with the delivery of the invitation "whether maliciously or not it does not appear," says the *Atlantic Monthly* writer, "pretended to have mistaken his direction and proceeded to place him under arrest." "The mistake, when discovered," continues the writer here followed, "was of course immediately rectified."²² Colonel Kane, however, was convinced that the arrest was a studied insult, and wrote a challenge to Colonel Johnston, and "applied to a gentleman from Virginia to act as his second." The gentleman declined to act, and Colonel Kane's action coming to the knowledge of Judge Eckels, the latter informed Governor Cumming that he had ordered the United States Marshal to arrest all the parties concerned. "in case another step should be taken in the affair." The *Atlantic Monthly* writer declares that it was not until some time afterwards that these transactions came to the knowledge of Colonel Johnston.²³

After a stay of about three weeks at Camp Scott, Colonel Kane was successful in persuading Governor Cumming to go to Salt Lake City without a military escort, and trust to the people receiving him as Governor. Since the military escort, according to certain of the Church leaders, was the most obnoxious feature connected with the coming of the new civil officers; and that had they come without a military escort they would have been received; the action of Col. Kane would put these protestations to the test.²⁴

22. *Atlantic Monthly*, April, 1859, p. 481.

23. *Ibid.*, p. 481.

24. See Hist. of Brigham Young, *Ms.* entry of Oct. 28th, 1857, p. 750 *et passim*. Also see Resolution of Territorial Legislature, adopted 21st Dec., 1857, and signed by all members of the legislature: "Nor shall any persons appointed to office for Utah by the present Administration either qualify for or assume, and discharge, within the limits of this Territory, the functions of the offices to which they have been ap-

Undoubtedly Colonel Kane on this point felt assured, and may have received such advices as warranted him in urging such action either before leaving Salt Lake City, or later through communication with Utah leaders after his arrival at Camp Scott, for he met on several occasions those who had accompanied him as an escort, and one absence of an entire day is noted by the *Atlantic Monthly* writer, "in order to hold a secret interview with a party of Mormons who had come into the vicinity of the camp."²⁵

Colonel Kane, however, was only successful in persuading Governor Cumming to try this experiment. Judge Eckels was unwilling to accept the proposition. On the 3rd of April, Governor Cumming announced his intention to Colonel Johnston of going to Salt Lake in company with Colonel Kane, without a military escort; and two days later he was on the way.

The day of the Governor's departure the "district court" commenced its spring term at Camp Scott, in Green River county. In his charge to the "grand jury" the judge is said to have been explicit on the subject of polygamy. The incident is important as being the first effort to apply what was alleged to be "existing law" against this feature of the marriage system of the Church of the Latter-day Saints.²⁶

pointed, so long as our Territory is menaced by an invading army, (for such an army cannot have been sent to protect either the citizens or the passing emigration, but is manifestly sent to aid in trampling upon American liberty) nor so long as such appointees are so pusillanimous as to require a numerous armed force to attend their beck to enable them to carry out the traitorous designs concocted for depriving American citizens of their indefeasible and vested rights." From which it may be justly inferred, that officers coming without a military escort would be admitted.

25. *Atlantic Monthly* for April, 1859, p. 481.

26. The precise language of the charge to the jury on the subject of polygamy is given as follows: "It cannot be concealed, gentlemen, that certain domestic arrangements exist in this Territory destructive of the peace, good order, and morals of society,—arrangements at variance with those of all enlightened and Christian communities in the world; and sapping as they do the very foundation of all virtue, honesty, and morality, it is an imperative duty falling upon you as grand jurors diligently to inquire into this evil and make every effort to check its growth. It is well known that all of the inhabited portion of this Territory was acquired by treaty from Mexico. By the law of Mexico polygamy was prohibited in this country, and the municipal law in this respect remained unaltered by its cession to the United States. Has it been altered since we acquired it? After a most diligent search and inquiry, I have not been able to find that any such change has been made: and presuming that this law remains unchanged by legislation, all marriages after the first are by this law illegal and void. If you are then satisfied that such is the fact, your next duty is to inquire by what law in force in this Territory are such practices punishable. There is no law in this Territory punishing

No indictments for polygamy were returned by the grand jury under these instructions, nor were any proceedings had upon the indictments for treason previously found against Brigham Young and sixty of his associates; and this doubtless because of the unsettled state of things in the camp and in the Territory, and what must have been the consciousness of the illegality of the procedure by the officers of the Camp Scott court.²⁷ "The business of the court," says the *Chronicle* here followed, "was restricted to such crimes as larceny and assault and battery, among the heterogeneous mass of camp followers."²⁸

Meantime important changes had been going on in Salt Lake City, changes in the mental attitude towards the situation in

polygamy, but there is one, however, for the punishment of adultery; and all illegal intercourse between the sexes, if either party have a husband or wife living at the time, is adulterous and punishable by indictment. No consequences in which a large proportion of this people may be involved in consequence of this criminal practice will deter you from a fearless discharge of your duty. It is yours to find the facts and to return indictments, without fear, favor, affection, reward, or any hope thereof. The law was made to punish the lawless and disobedient, and society is entitled to the salutary effects of its execution." (*Atlantic Monthly* for April, 1859, pp. 481-2.) It is quite evident, however, that neither the jurists nor the legislators of the United States regarded this reasoning as sound, nor that of the writer in the *Atlantic Monthly* who includes the "common law," as well as the old Spanish law, as constituting a possible basis of jurisprudence in the Territory on this subject of marriage—since before attempting any action against the plural marriage relations countenanced by the Mormon Church, they considered special enactments of congress for the Territories necessary; and at no time invoked either the old Spanish law or the common law against this institution of marriage. Besides, had either the common or old Spanish law been invoked against the plural marriage features of the Mormon system, the question would still remain as to whether the "bigamy" or "polygamy" of those laws described the "plural wife system" of the new Dispensation, a question already considered and the distinction drawn. (See this Hist., Chap. XL, footnote 15).

27. On this court proceeding the *Deseret News* commented as follows: "Has the Judge, or have the letter writers, read a part of the 5th Sec. of Chap. CXXIV, U. S. Statutes at large, as follows?

"And be it further enacted, that the judges of the supreme court in each of the Territories, or a majority of them shall, when assembled at their respective seats of government, fix and appoint the several times and places of holding the several courts in their respective districts, and limit the duration of the terms thereof."

"When have the three Judges, or a majority of them, assembled at the seat of government of Utah and divided this Territory into three judicial districts and appointed the times and places of holding courts therein. It has not been done by the present appointees, neither can it be done by them at present if, as we are informd, only Judge Eckels has arrived in the Territory. Under what law is Judge Eckels holding a court in Utah? Or is that conduct only designed for a farce? (*Deseret News*, Vol. 8, p. 30).

In addition to thus attempting to hold a court in a district which he could not create, and was not designated by law, the Judge had not qualified by taking the oath of office; and which oath he did not take until July 19th, 1858, when he appeared before probate Judge Elias S. Smith and took the oath of his office. Hist. Brigham Young, Ms. entry 24th July, p. 798.

28. *Atlantic Monthly*, April, 1859, p. 482.

Utah that were of great importance. Although the plans Colonel Kane suggested to President Young were not acceptable to him, yet the President's contact with the view entertained in the east, as represented by the Colonel—since he could rely upon that representation—doubtless had its effect upon his mind. "A council of War" was held on the 18th of March, in the Historian's office, at which there were present the First Presidency, eight of the Twelve Apostles, and thirty of the leading military officers of the Territory. The conclusion in this council was to abandon the idea of armed resistance to the United States forces. The minutes of the council close with the following paragraph: "President Young's plan was to go into the desert and not war with the people, but let them destroy themselves."^{26½} The following Sunday the temper of the meeting at the Tabernacle was markedly different than such meetings had been. It was flight now, rather than fight. The regular service of the day was converted into a special conference. President Young "spoke of the situation of affairs at this crisis and presented the policy which he intended to pursue, which was to remove the grain and the women and children from the city and then, if needs be, burn it and lay the country waste."²⁷ He presented the view that the Republican party had succeeded in disgracing the administration at Washington (presumably by forcing the Democratic administration into this anti-Mormon attitude—by the "twin relic" plank of their platform—); and that as soon as the administration could withdraw the troops it had sent to Utah, and save the credit of the nation, it would do so; and if in pursuance of such developments the Saints were obliged to lay waste Salt Lake City, it would be for their good; and he predicted that in less than twelve years, they would have better homes than at the present. It was declared to be the intention to give those who had never before been driven from their homes the honor of forming an advance company to lead the way into the desert and find a suitable place of settlement. Five hundred families were called for to form this advance company.²⁸

^{26½}. Hist. Brigham Young, Ms. 1858, p. 266.

²⁷. Hist. Brigham Young, Ms. entry for Sunday, 21st of March, 1858, pp. 269-272.

²⁸. A rising vote of the congregation showed that three-fifths of the congregation were of this class. *Ibid*, p. 271.

Of course, as we have seen, destruction of their settlements and flight to the mountains and deserts had been coupled with the proposed resistance to the entrance of the U. S. army from the first, in the event of the army being successful in forcing its way into Salt Lake valley; but the move as now proposed was to proceed without first resisting the army, and it is evident from the amount of urging and defense that was made respecting the proposition that it did not at first meet with universal approval.

President Young seems to have conceived the idea that in the southwestern part of the Territory, hundreds of miles removed from all lines of travel, there was a desert country with long distances from water to water, larger in area than any of the eastern states, with but few Indians inhabiting it, and its fertile portions capable of sustaining a population of 500,000.²⁹ It was

29. Four years before Bishop David Evans, of Lehi, had been called upon to explore that region, but he had failed to find the country described. President Young felt that he had not penetrated far enough into the interior desert waste to find the succession of watered areas, and was not satisfied with his efforts. Later, namely in March, 1858, he sent out Geo. W. Bean from Provo, and Col. W. H. Dame and Nephi Johnson from Parowan, to make a more extended exploration. These parties were made up chiefly of men from the southern settlements. Bean's company numbered one hundred and four persons, and were equipped for making settlements, teams, wagons, agricultural implements, seeds of various kinds, etc. They moved down the Sevier river some distance southward, thence went southward, crossing alternating low mountain ranges and desert valleys, with occasionally very limited fertile spots, but few places suitable for settlement. In the White River valley, about one hundred and fifty miles from Cedar Springs, however, they left forty-five of their number to open a farm. The remainder of the company divided and explored northwest and southwest through various valleys, but such springs and small streams as they found were too far north for settlement under the present instructions. Turning southward they went over the "rim of the basin" to the head waters of the Muddy river, and in Muddy river valley met with the Dame and Johnston party—numbering between sixty and seventy men. Westward from this valley they learned from Indians met with that there was a great desert—doubtless the Ralston, the Great Admargosa and Death Valley Deserts—which observation from the mountain range overlooking it confirmed. From the Muddy river valley the whole body of explorers divided, Dame taking with him twenty-eight men from Bean's party for the purpose of locating them in some suitable valley southward if one were found; while the remainder of the party under Bean started eastward for Beaver City, at which place they arrived on the 31st of May. In all the Bean party had travelled about eight hundred miles; they had crossed seven ranges of mountains and as many valleys, the latter ranging from ten to thirty miles in width, and from fifteen to one hundred miles in length; but they found no such place for habitation for the people as President Young had hoped for; but confirmed the correctness of Bishop David Evans' previous report. (See Bean's Report of his exploring party in *Hist. of Brigham Young, Ms.* entry for June 7th, 1858, pp. 610-616. Also *Ibid.*, p. 426, where the correctness of Evans' report is confirmed. The Dame party was to explore the country north and west of Parowan. If they found gold they were to keep it a secret (*Id.*, p. 336). The Dame party, noticed already in connection with Beans—established a "Desert Camp" about one hundred and fifty miles west of Parowan, where they began farming, but it was soon afterwards abandoned. (*Hist. Brigham Young, Ms.*, p.

to this region that he declared it to be his intention to remove, and the people could follow him if they should so elect.³⁰

Following this meeting came a half veiled declaration of the intention of flight and destruction of the city, and other northern settlements, under the caption—

“UNCIVILIZED MODE OF WARFARE”

“At a special Conference held in the Tabernacle in this city, on the 21st inst., it was unanimously agreed to abandon ‘Sebastopol’ to our enemies, without the consent of Lord Raglan, if they persist in carrying out the unconstitutional policy adopted by the present Administration.”³¹

About this time ugly rumors were rife as to the attitude of the

724. It should be observed that Bean's report of his exploring journey and its discouraging tenor was not made to President Young until the 7th of June, by which time nearly all the exodus from the northern settlements had already arrived as far south as Provo.

30. See Pamphlet of “Instructions and Remarks” made up from the proceedings of the conference of the 21st of March, p. 7. Much of it is quoted by Stenhouse in *Rocky Mt. Saints*, pp. 384-6. This question of the objective point in the great “Move South” of 1858, may thus be said to be disposed of. Some had thought that the state of Snora in the republic of Mexico, was the point of destination, and it is so mentioned in some of the letters of the period. (See letter of John Kay to Elder Thomas Williams, copied into *Hist. of Brigham Young, Ms. May*, 1858, pp. 502-5); also *Mill. Star*, Vol. XX, p. 475; *N. Y. Herald*, of June 23, 1858, *St. Louis Intelligencer* of Nov. 23, 1858, where the matter is discussed at length. Copied into *Deseret News* of Feb. 17, 1858. There was also during the month of May a proposition made by the representatives of one Col. Kenney of California,—*Messrs.* John B. Cooper and James M. Harbin—to sell to Brigham Young 30,000,000 acres of land on the Misquito Coast in Central America. The region was a narrow coast strip extending from the 11th degree of north latitude, northward along the east coast of the states of Nicaragua and Honduras for several hundred miles. The British government had exercised a protectorate over the country for some time, but this was now resigned to Honduras. President Young, however, was not favorably impressed with this proposition, and the more vigorously it was urged upon his attention the firmer seemed to grow his determination to remain in Utah. (See *Hist. of Brigham Young, Ms.* 1858, pp. 560-566, 570; also pp. 588-9. “I would not go to that country,” said President Young to Mr. Cooper, “if it was covered fifteen inches deep with gold, and we owned it all. We are here, and here we will stay in this Territory.” *Wilford Woodruff's Journal, Ms.* entry for May 26th, 1858. It appears also that a Col. Clarkson, Major Brookie and Judge Cliff also urged the claims of the Misquito country upon the attention of President Young, but to no purpose. *Woodruff's Journal* entry for May, 30th, 1858.

31. The significance of the historical allusion will be appreciated when the dispatch of the Russian general who evacuated Sebastopol is recalled: “It is not Sebastopol which we have left to them [i. e. to the allied forces], but the burning ruins of the town, which we ourselves set fire to, having maintained the honor of defence in such a manner that our grandchildren may recall with pride the remembrance of it, and send it on to all posterity. * * * The Russians had made a Sebastopol another Moscow.” “*Hist. of Our Own Times*,” McCarthy, Am. Ed., Vol. II, pp. 264-5.

Indian tribes of the mountains and deserts with reference to their Mormon neighbors. In March a friendly Indian reported that their chief had been to the "soldiers camp," that the commander there had said that Brigham had killed many of the Indians' children, and he would now kill them (i. e. the Mormons); that officers had said that Joseph Smith was a great captain, and they had got his head off easily. Brigham Young was a small captain and they would soon cut off his head.³²

The settlement of the Saints at Limhi, on Salmon river, had been broken up by an attack of the Bannock tribe of Indians on the 25th of February; instigated, it was reported and believed, by a mountaineer, of the name of John W. Powell, and other white men, who were in the vicinity from Camp Scott purchasing beef-cattle for the Expedition. Two settlers, James Miller and George McBride, were killed, and five others wounded. Two hundred and twenty-five head of horses were driven away. The party of Indians making this attack numbered about two hundred and fifty. The settlers had lived in peace with these Indians from the commencement of the settlement in 1855. Many acts of kindness had been extended to them by the citizens, nor had there been any misunderstanding between them until the arrival of this cattle-purchasing party from Camp Scott. "From the camp of this detachment," according to the statement of chief Snagg of the Shoshones, a white man named J. W. Powell came to the lodges of the Barracks and Shoshones, two days previous to the massacre referred to, and incited the Indians, giving them his aid and participation in the affair.³³

Early in March Andrew Cunningham with two hundred men was sent to the Salmon river settlement to give safe conduct to the colony through the Indian country to Salt Lake City. He was absent about one month on the expedition, which covered eight

32. Hist. Brigham Young, Ms. entry 23rd March, pp. 272-4.

33. See statement of W. H. Hooper, Secretary *pro tem* of Territory of Utah, addressed to Gov. Cumming, under date of April 13th, 1858, House Ex. Doc. 35th Congress, 2nd Sess., Vol. II, Pt. II, pp. 74-5. "This information," Mr. Hooper says, "I derived from parties present at the scene of the difficulties, and it is confirmed by affidavits on file with the probate court of this (Salt Lake) county." *Id.* Powell and his associates B. F. Ficklin and Cravan Jackson, charged with this procedure, denied by affidavit before Judge Eckles at Camp Scott, that they participated in the affair. See House Ex. Doc. 35th Con., 2nd Sess., Vol. II, Pt. II, pp. 79-82. See also *Deseret News* of April 14th, 1858.

hundred miles of travel. The Indians in the vicinity of the settlement were greatly grieved at the departure of the Saints.³⁴ An express of ten men led by B. F. Cummings, sent in advance on the return journey, to bring news of the Limhi colony's rescue, were ambushed and fired upon by the Bannock Indians, and one of their number, Baily Lake, was killed, and several horses and packs taken by the Indians.³⁵

Col. N. V. Jones reported that several brethren who had been to the camp of Ben Simons, the Cherokee Indian trader, on Bear river, were told at three different times that Colonel Johnson had offered them \$150 for every Mormon they would bring to him, and \$1,000 for Lot Smith.³⁶

In January, in consequence of great anxiety for the safety of Captain Marcy, Colonel Johnston permitted Dr. Hurt, the Indian agent, to cross the Uinta range of mountains in company with four Pah-Utah Indians to the Indian villages located on the Uinta river. "It was his intention, in case of need," says the chronicle, "to employ these Indians to warn Captain Marcy of danger and afford him relief. It proved to be unnecessary to do so, and Dr. Hurt returned in April."³⁷ This was doubtless what Dr. Hurt was authorized to do by the Colonel; but what he really did was the following: Indian messengers were sent to various tribes urging them to take sides with the "soldiers" against the "Mormons" in the spring, and rumors were current among many bands that they would be employed by the "soldiers" to "drive off the cattle and horses of the Mormons as soon as the passes to Bridger were practicable."³⁸ From Uinta Dr. Hurt "sent frequent messages to have all the Utahs come out and join in the onslaught upon the Mormons." A number of such messages

34. See Hist. of Brigham Young, Ms. for 1858, pp. 231, 302, 338-341. The fact of the presence of the white man Powell with the Indians in their attack upon the Salmon river settlement is sustained by the affidavit of Thos. S. Smith, president of the mission, who was wounded in the assault upon the settlement. *Id.*, p. 367.

35. Hist. Brigham Young, Ms. 1858, p. 302.

36. *Ibid.*, pp. 340-1.

37. *Atlantic Monthly*, April, 1859, p. 479.

38. Letter of W. H. Hooper to Governor Cumming, House Ex. Doc. 35th Cong., 2nd Sess., Vol. II, Pt. II, p. 74. "We learn from the Indian that emissaries are endeavoring to entice them, in the south part of the territory to violence, with some success. Indians say they are to have a price for Mormon scalps." Letter of Geo. A. Smith to T. B. H. Stenhouse, in Hist. Brigham Young, Ms. May 11th, 1858, p. 523.

were sent to chief Arapeen of the Utahs, offering him large presents if he would join the troops with his people for this purpose. "These items," writes secretary *pro tem*, W. H. Hooper, to Governor Cumming, "though but reports from Indians, are so substantially corroborated by the facts, that I felt myself bound in the discharge of my duty, to submit them."³⁹

In addition to the incidents here related Indian depredations also occurred in Rush valley and in the north of Utah county. About the first of March, a mixed band of Shoshones and Utahs led by chief "Little Soldier" drove off a number of cattle and horses owned by the settlers, resulting in the loss of fifty head of horses and mules; and when Mr. Hooper's herdsmen were collecting his cattle for the purpose of driving them to Salt Lake valley for safety, the Indians charged and fired upon them, but without harmful results.

Early in April, the 7th, another raid was made by the Utahs upon the settler's herds in the north of Utah county, and about one hundred head of horses and mules driven away. This time the raid was led by Tintic, one of the chiefs who had accompanied or followed—early in the preceding winter—Dr. Hurt in his flight to Fort Bridger. The Indians in explanation of their course, declared that "a big captain among the white men at Bridger had employed them to steal the cattle and horses of the Mormons and drive them to them." "It is a well known fact," adds Mr. Hooper, "that communication between this band and Fort Bridger has been kept up all winter."⁴⁰

"The results of these depredations," writes Mr. Hooper to Governor Cumming, "has been a compulsory abandonment of our frontiers, and a consolidation of all our settlements, forcing us to keep out large detachments of military in various parts of the Territory to keep the Indians in check. This is the more aggravated, and felt the more severely by the citizens, as, with the exception of occasional outbreaks from small predatory bands, easily checked, and for two years entirely stopped, the aborigines

39. Hooper's second letter to Gov. Cumming on this subject. (*Ibid*, p. 76). From the Indians in the south came the report that they were to receive a "price for Mormon scalps." Letter of Geo. A. Smith to T. B. H. Stenhouse; Hist. Brigham Young, Ms. May, 1858, p. 523. Also again, a letter is read from J. L. Lee, residing in the south, in which the same declaration is made, *Id.*, p. 524.

40. *Ibid*, p. 75.

had been friendly and well disposed to the citizens until the arrival in our Territory of the troops now encamped at Bridger."⁴¹

Governor Cumming forwarded Mr. Hooper's charges that these depredations were incited by officers or agents connected with the Utah Expedition to Colonel Johnston; and Dr. Hurt, and Indian agent Forney, as well as *Messrs.* Powell, Ficklin and Jackson, entered denials of them, and denounced Mr. Hooper's charges as also those—essentially the same—made in a *Deseret News* editorial of April 14th, 1858, as absolutely false.⁴² Mr. W. M. F. Magraw, of Utah mail contract fame, and James Bridger, Mountaineer, thought it necessary to write Major Fitz John Porter, Assistant Adjutant General, a defense of Colonel Johnston's attitude in respect of employing the Indians against the Mormons, in which they give accounts of interviews between the Colonel and chiefs Little Soldier and Wash-a-kee, wherein those chiefs were told, in answer to their practical tender of service, that "they would not be allowed to participate in it [i. e. the trouble between the administration and the people of Utah] at all;" except it might be in service as guides, herders, or scouts; if at any time the Colonel required them for such service he would send for them, "and pay them for their services." The Colonel "advised them to go back to their people and remain quiet."⁴³

All this may be admitted as Col. Johnston's course in the cases cited, but it still remains as a historical fact: that no trouble occurred around Fort Limhi until J. W. Powell and associates appeared among the Indians; that the Indians of Rush valley had been peaceably disposed for years until the advent of the army and the flight of Dr. Hurt; that when they made their stock stealing raids the Indians openly avowed their intention of taking the stolen animals to the U. S. army; and the evidence is quite clear that Dr. Hurt while absent from Camp Scott upon his

41. Hooper to Gov. Cumming, House Ex. Doc. 35th Cong., 2nd Sess., Vol. II, Pt. II, pp. 74-5.

42. *Ibid.*, pp. 77-82.

43. Letter of Magraw and Bridger. House Ex. Doc. 35th Cong., 2nd Sess., Vol. II, Pt. II, pp. 82-84.

Uinta mission, did seek to incite the southern Indians against the Mormons.⁴⁴

In marked contrast with this was the Mormon policy of neutrality on the part of the Indians in these Federal-Utah difficulties. "When has one of Colonel Johnston's command been killed or their animals run off by Indians incited thereto by the citizens of this Territory," the *News* editorial was able to ask; and then could make the following answer: "Never, for Governor Young and the Mormons have ever counseled the Indians to remain strictly neutral, as all truth-telling red and white men, cognizant of the facts, will substantiate."⁴⁵ Elder Geo. A. Smith, Historian of the Church, could thus put in contrast the policy of Governor Young and that followed by the Utah Expedition:

"It has been the policy of Governor Young and our people to keep the Indians neutral, should a contest ensue, [i. e. between the U. S. Army and the Utah militia]. I read in the last papers received from the States loud boasts of having secured the Utah and other Indians as allies against the "Mormons." Strange as it may seem to civilized persons, all the reckless and unprincipled Indians of the mountains have been hired, with new guns, blankets, clothing, ammunition, paint, &c., to steal, rob, murder, and do anything else that can be done to destroy the "Mormons." Indian agents have sent messengers to all the peaceable Indians to incite them to deeds of rapine and bloodshed. A number of scattered settlements have been attacked, and innocent blood stains the skirts of the present Administration, whose agents had procured the murders.

"I am an American, as you well know, I love my country, and hate to see her rulers trample under foot her glorious institutions, and re-enact barbarism more cruel than that inflicted by the King of Great Britain through the hands of the red men upon the scattered settlements of the colonies, in the war of Independence. . . . We wish 'life, liberty, and the pursuit of happiness.' . . . With 3,500 bayonets, rifles, revolvers and ordnance pointed at us, and within three days' march of our city; 4,500 more enroute to reinforce them; *carte blanc* on the U. S. treasury, would seem enough to satisfy our most bitter persecutors, without hiring as allies the savage hordes of the deserts and mountains to murder, scalp, roast, and eat their fellow citi-

44. *Deseret News* of April 14th, 1858. Also Hooper's Letters, already cited.

45. *Ibid.*

zens, because they, forsooth, differed on the subject of religion."⁴⁶

If Colonel Johnston is to be relieved from responsibility in this matter, and his policy was that described in the statements of *Messrs.* Magraw and Bridger, then his policy was ignored by his subordinates. But whether the hostilities of the Indians were incited with the approval of the commander-in-chief of the Expedition, or by his subordinate officers and agents without his direction; or by the Indians themselves acting upon their own initiative, taking advantage of the unsettled state of affairs to gratify their predatory inclination to profit by a state of war, their unrest and unprovoked attacks upon outlying settlements, increased the difficulties and the apprehensions of the Church leaders, and of the Saints.

About this time also rumors reached Utah of projected movements up the Colorado river by means of boats;⁴⁷ and another in which camels were to be employed in the transportation of troops

46. Letter to T. B. H. Stenhouse, date of Apl. 5th, 1858. Hist. Brigham Young, *Ms.* for 1858, pp. 307-8. G. W. Mills, also writing to T. B. H. Stenhouse, under date of April 5th, 1858, said: "The war chiefs of several tribes of Indians, during the time of the excitement last fall and winter, applied personally to Governor Young for his advice and permission to go out with the tribes and 'use up' the soldiers, which they deemed themselves amply capable to do; but he, in every instance, told them to keep away from the army and show no bad feelings whatever, and requested them to avoid killing the white men. I have seen the chiefs exhibit sanguine feelings in relation to killing the soldiers, but entirely softened down by the counsel and expressions of Governor Young. . He wrote to Ben Simons, the Delaware (Cherokee) Indian Chief of the Weberites, in reply to a letter, to stand in a neutral position, neither take part with 'Mormons' nor the soldiers, in the event of a collision; and had always endeavored to suppress that blood-thirsty spirit of the treacherous red men." (*Mill. Star*, Vol. XX, p. 461).

47. Lieutenant J. C. Ives, in the winter of 1857, was engaged in an exploration of the Colorado river. It was anticipated that the navigability of the stream would be established at least up to "the foot of the great canon of the Colorado," where it was proposed to establish a base from which to outfit the military forces designed to invade Utah from the south. See Correspondent in *N. Y. Times*, and in the *St. Louis Intelligencer*, of Nov. 23rd, 1857; copied into *Deseret News* of 17th of Feb., 1858. These rumors led President Young to send a party of men under Amasa M. Lyman to investigate these rumors and ascertain what likelihood there was of attack from this Colorado river quarter. Lyman's party consisted of nineteen men in all; they left Cedar City on the 31st of March, and returned in the latter part of May. The party went as far as the head of the navigable waters of the Colorado, traversing trackless deserts and sun parched mesas. They visited the Mohave, and Aiahs Indians, the latter being unusually large of stature. They learned of the Ives and Beal exploring parties in that quarter; but there was little likelihood of the Colorado region being made a base of action against Utah. See Journal of F. M. Lyman—who was one of the party of nineteen—entries for April and May, 1858. Also Hist. of Brigham Young, *Ms.* May, 1858, p. 560.

and supplies from southern California,⁴⁸ with a view of cutting off any contemplated retreat of the Mormons into Mexico. For some time the desirability of making California the base of operations against Utah had been urged upon the Administration;⁴⁹ and it appears that President Buchanan at last yielded to such importunities and decided to send General Scott himself to the Pacific coast, to personally direct such a movement; the date of the commander-in-chief's departure was fixed upon—5th of February, 1858—and officially announced to Colonel Johnston;⁵⁰ but before the date fixed upon for Gen. Scott's departure the project was abandoned⁵¹—and abandoned, it is claimed, because the army contracts for sending reinforcements and supplies to Col. Johnston in the spring created such a scandal⁵² that the admin-

48. This fact is disclosed in a letter from Mr. E. F. Beale, to Hon. John B. Floyd, Sec. of War, which was published in the *Missouri Republican* of the 23rd of March. Mr. Beal's letter was a report to the Hon. Secretary of War, of a mid-winter journey from Tejon Pass in the Sierra Nevada Mountains to Kansas City via Albuquerque by means of a camel pack train. In the course of his report Mr. Beale said: "In a previous letter I informed you that I had sent the camels back to Fort Tejon from the Colorado river, in charge of my clerk, in order that they might be used in the campaign against Utah. I parted with these noble brutes with much regret. A year of hard and almost unremitting labor with them had attached us all to them with feelings stronger, I think, than any one experiences for either the horse or dog. It is to be hoped that the Government will continue the importation of this valuable animal until sufficient have been obtained for the use of the whole army. It is cheaper at first cost, lives longer, and is infinitely stronger and hardier than the mule, while its capacity for work is four times greater. For military purposes, I regard it as invaluable, in a country where forage is difficult to obtain." (*Missouri Republican*, April 9th, 1858).

49. "The policy of making California the base of operations against the Mormons has been urged upon the Executive. Among the arguments in its favor is the fact that the Valley of Salt Lake can be approached at all seasons from the Pacific, through the lower valleys and passes. Nor can the entrance to the Mormon country from that direction be successfully defended against Gentile troops. An army of twenty thousand men could enter Salt Lake Valley in mid-winter by the way of Los Angeles and San Bernardino. * * * But, in addition to these advantages of operating from California, the presence of so large a force in that country would overawe and terrify the numerous hostile Indian tribes there, who are becoming exceedingly troublesome; while it would effectually cut off the Mormon retreat towards Sonora—an object really of great importance." (*St. Louis Intelligencer*, Nov. 23rd, 1857; the article was reproduced from the *New York Times* of an earlier date).

50. Official letter of Geo. W. Lay to Colonel Johnston, date of Jan. 23rd, 1858. House Ex. Doc. 35th Cong., 2nd Sess., Vol. II. Pt. II, p. 33

51. *Id.* Letter of Feb. 5th, 1858.

52. "To the shame of the Administration," writes Col. Albert G. Brown, "these gigantic contracts, involving an amount of more than six million dollars, were distributed with a view to influence votes in the House of Representatives upon the Lecompton [Kansas] Bill. Some of the lesser ones, such as those for furnishing mules, dragoon horses and forage, were granted arbitrarily to relatives or friends of members who were wavering upon that question. The principal contract, that for the transportation of all the supplies, involving, for the year 1858, the amount of four millions and a half, was granted, without advertisement or

istration dared not proceed with its Pacific coast plans, involving further expenditure by creating another base of operation in California.⁵³

In addition to the unrest and war-like outbreaks among the Indian tribes of the Territory, and these rumors of projected invasions from the south and west, the Church leaders were of course aware of the fact that substantial re-inforcements amounting to above three thousand men with ample supply trains and armament⁵⁴ were to move in the spring from Missouri river points, and the administration had asked congress for still further levies of troops and supplies;⁵⁵ so that the forces being raised and

subdivision, to a firm in Western Missouri, whose members had distinguished themselves in the effort to make Kansas a slave state, and now contributed liberally to defray the election expenses of the Democratic party." ("The Utah Expedition," *Atlantic Monthly*, April, 1859, p. 478.

53. Linn, "Story of the Mormons," p. 500.

54. The official statement of these re-enforcements to be added to the Utah Expedition, together with a statement of the number already engaged in it, was issued from the headquarters of the U. S. army as follows:

"The force now in Utah under Colonel Johnston, (eight companies 2d dragoon, 5th and 10th infantry, Phelps' light battery, 4th artillery, and Reno's heavy battery), if up to the maximum standard, would amount to 118 officers, 2,470 men—2,588 aggregate. It is estimated that these troops require 850 recruits, which number will be put at Fort Leavenworth to accompany the reinforcement, with 44 officers. The entire force to be provided for on the march is 177 officers, 3,735 men—aggregate, 3,912. The whole army of Utah, (reinforcement included), to be supplied with subsistence, is 251 officers, 5,335 men—5,606 aggregate. All disposable recruits will be put in march for Fort Leavenworth as early in the spring as practicable. The troops to march from the points indicated must be supplied with three months' subsistence for consumption on the route, and one year's supply for the entire army of Utah will be sent with them. A reserve supply of eight months to be thrown forward to Fort Laramie before the setting in of a winter." (House Ex. Doc. 35th Cong., 2d Sess., Vol. II, Pt. II, p. 30). It was stated by General Harney that the wagons necessary to transport the one year's supplies referred to, not considering the three months' supplies to be used en route, would be from 1,800 to 2,000. Letter of Gen. Harney to army headquarters, May 27th, 1858. *Ibid*, pp. 105-6.

55. The Secretary of War, John B. Floyd, "In view of the menacing attitude of affairs in Utah" recommended *five* new regiments, "as the very smallest addition to the army which the exigencies of the service will allow." This on the 5th of December, 1857. (Senate Doc. 35th Cong., 1st Sess., Vol. III, p. 9). The President in his message of that year, Dec. 8th, recommended four regiments, (Messages and papers of the Presidents, Vol. V, p. 456); and congress passed an act, 7th of April, 1858, authorizing the President to call into service two regiments of volunteers "for the purpose of quieting the disturbances in the Territory of Utah." By June 10th, the President thought that such progress had been made with reference to the settlement of Utah affairs that he released congress by special message from the obligation of making the appropriation necessary to equip and pay for the services of these regiments of volunteers (Messages and Papers of the President, Vol. V, p. 487). Such, however, was the status of public feeling on the Utah question, in President Buchanan's opinion, that in his annual message of 1858, Dec. 6th, when referring to the call for volunteers, and saying that happily there had been occasion for calling these regiments into service, he added: "If there had not been, I should have felt serious embarrassment in selecting them, so great was the num-

launched against the Latter-day Saints in Utah seemed quite overwhelming. It is cause for no wonder, therefore, if the situation seemed appalling to the Church leaders. In the midst of such threatening portents they with their brave people had but one source of comfort—one hope, one refuge, and that was *trust in God*. The leaders as well as the people were compelled to fly to that refuge; aside from it Brigham Young was as helpless as the humblest church member. In the latter days of March, the “Move” then being under way, President Young and his counselors and a number of the Twelve were on their first day’s drive from Salt Lake City southward; the roads were very dusty, the wind blowing into their faces so that some times they could not see their horses for it; they passed about one hundred heavily loaded teams with families going south, and met as many more with empty wagons going north to assist those without teams to move from the northern settlements; there was no grass on the road for these teams, they had to depend upon the well nigh exhausted supply of hay. That night President Young’s party stopped at Lake City, in Utah county. A public meeting was held in the evening at which the President spoke. “He compared himself to a man who had a family of fifty blind persons to lead over rough, bad roads, bridged, but planks out of the bridges, and had to cross on string pieces. He exclaimed—‘*Oh, how thankful, I would be, if the people could all see better than I!*’”⁵⁶

The following Sunday, April 4th, meantime having returned to Salt Lake City to direct the movements of the people, in remarks made in the Tabernacle, “President Young” alluded to the ancient prophets being mistaken about the second advent of the Messiah [i. e. mistaken as to his immediate coming, see II Thess. iv] and to the possibility of this people being mistaken also. He “spoke of the wicked upon our borders [the army at Bridger], and said it would satisfy his feeling if the Lord would permit him to say ‘go out and slay your enemies, and rid the earth of them,’ but he had to hold in the people and himself, and he was tired.”⁵⁷

ber of our brave and patriotic citizens anxious to serve their country in this distant and apparently dangerous Expedition.” (Messages and Papers of the Presidents, Vol. V, pp. 504-5).

56. Hist. Brigham Young, Ms. entry for April 1st, 1858, p. 293.

57. Hist. of Brigham Young, Ms. entry for 4th April, 1858, p. 303.

These incidents clearly indicate that for this man Brigham Young as for the humblest of his people, there was no refuge but trust in God; from every human view point their case was overwhelmingly hopeless. And at this point the tide in affairs turned in their favor. Word was received by special express that Colonel Kane had succeeded in persuading Governor Cumming to come to Salt Lake City and assume the duties of his office, *unattended by the army or any military escort whatsoever.*

Historic Views and Reviews

VATICAN MANUSCRIPTS

The vatican library is probably the most sumptuously housed in the world. This, of course, is only as it should be, for the collection contains some of the most precious manuscripts in existence, including the biblical "Codez Vaticanus," of the fourth century, the fifty century Virgil and the palimpsest "De Republica" of Cicero.

The printed books include over 2,500 fifteenth century editions, many of them vellum copies. The total library has been estimated to comprise over 220,000 volumes and 30,000 manuscripts, but it has never been adequately catalogued.—*Pall Mall Gazette*.



A HISTORICAL MYSTERY

Very few people in Wisconsin now believe the story which once had wide acceptance throughout the United States, that the late Eleazar Williams, of Green Bay, was the lost Dauphin of France. The general conclusion is that the heir of King Louis XVI., who lost his life by the guillotine in the French Revolution, perished in the Temple prison.

The Wisconsin claimant was only one of many. Among the many was a Belgian known as Naundorf who practiced the trade of watchmaking. A dispatch from Paris says:

Naundorf was recognized by the British and Dutch governments as Duke of Normandy, and his descendants claimed the throne of France. Three of Naundorf's grandsons, known respectively as Prince Jean, Prince Charles and Prince Louis Edmond, are living in Paris. The *Gil Blas* declares that shortly before M. Clemenceau resigned a great lady told him that the archives of the Ministry of the Interior contained a paper relat-

ing the truth of the escape of the Dauphin from the Temple prison and attesting the authenticity of the Naundorf claim. This document, known as "the red paper," was found by Mr. Clemenceau, who said to his informant a fortnight later: "The document has been found and is now in my desk, where it will stay. Its contents are a state secret which I am not at liberty to disclose. I can only assure you that the truth will be revealed, and I answer for this."

This promises evidence to show that there was a lost Dauphin, which many people doubt. Perhaps the mystery surrounding the fate of the individual who might have been Louis XVII. of France will some day be made clear.—*Milwaukee Evening Wisconsin*.



BESSEMER'S CENTENARY

No centenary of the year 1913 will be of more interest to the people of the United States and the world at large than that of Sir Henry Bessemer on the 13th of this month. Bessemer is the man commonly referred to as the inventor of the Bessemer process of making steel, by which process steel is produced so cheaply that it can be used for rails, bridges, skyscrapers, warships, cars, and in a thousand and one other ways.

This centenary is of especial interest to the United States, for to the use of the Bessemer process this country owes a large portion of its wealth and industry. The United States to-day produces about one-half of all the steel made. American railroads have as many miles of steel rails as all the other countries put together. Three-fourths of this steel is made by the Bessemer process.

A generation ago the percentage of iron which was converted into steel was insignificant. Now it is about 66 2-3 per cent. "a change due largely to the introduction in 1865, of the Siemens-Martin, or open-hearth, process; but mainly to the tremendous development of the Bessemer process."

The late Professor H. Thurston, says: "The world has been advanced perhaps more by the invention of Bessemer, which

gives us cheap steel and which has enabled us to make of steel almost every product once made of iron, than by any other device in the history of industry." The process stands in the same rank with the invention of the steam engine and the telegraph. Before the use of steel the limit of railway development—so far as speed and weight of equipment were concerned—had been reached. Where the stress of traffic was greatest, iron rails only lasted a few months.

The history of the manufacture of iron naturally falls into three parts. The first part takes one up to the date of the introduction of coal, the second to the time of the discovery of the Bessemer process, described by Bessemer as a mode of manufacturing malleable iron and steel without fuel.

Henry Bessemer was English born, the youngest son of a French inventor. His father, Anthony Bessemer, was of such ingenuity that he was a member of the French Academy of Sciences at 25; but when Robespierre became dictator he was obliged to flee for his life, and settled in England. He made improvements in microscopes and type-founding and alchemy.—*New York Times*.



WHY LEE FREED SLAVES

A correspondent whose letter was published in The Tribune yesterday calls attention to the fact that Gen. Robert E. Lee freed his slaves fifty years ago, at the time when President Lincoln's emancipation proclamation became effective, and he asks the reason. He rightly concludes that it could scarcely have been in compliance with President Lincoln's proclamation, and he wonders whether it was to set an example to other slaveholders and conciliate European sentiment or to show his dissent from the declaration of Alexander H. Stephens that "slavery was the cornerstone of the Confederacy."

Gen. Lee's act of manumission was not based on either of these reasons. It was, in fact, not political at all, or even the result of personal conviction. It was merely the performance of a duty imposed on him by the will of his father-in-law, George

Washington Parke Custis, who had died in 1857, leaving instruction for the manumission of the slaves on his Arlington, White House and other estates some five years later. This instruction Gen. Lee conscientiously carried out, notwithstanding the disturbances of the war. His son, Capt. Robert E. Lee, in his "Recollections and Letters of Gen. Robert E. Lee," thus refers to the transaction as taking place at the beginning of 1863:

"Mr. Custis, my grandfather, had made him executor of his will, wherein it was directed that all the slaves belonging to the estate should be set free after the expiration of so many years. The time had now arrived, and, notwithstanding the exacting duties of his position * * * he proceeded according to the law of the land to carry out the provisions of the will and had delivered to every one of the servants, where it was possible, their manumission papers."

Capt. Lee quotes from several letters of his father to show his care to secure to every slave his rights, even those who had run away, should they ever need formal manumission, which, as most of them were in the federal lines, he did not suppose they would. Whatever Gen. Lee's personal attitude toward slavery, it had nothing to do with his acts as executor of the Custis will, except as it may have added to his care and humanity in the performance of his duty—though all duties were thus performed by him. The manumission of the Custis slaves just as the emancipation proclamation went into force was clearly a pure coincidence.—*New York Tribune*, Jan., 1913.



TROUSERS ONCE REVOLUTIONARY

The latest instances of a general enforcement of laws concerning dress occurred at the time of the French Revolution, when some rulers of German states forbade their subjects to wear trousers, these being held to indicate revolutionary opinions. The elector of Hesse-Cassel, besides prohibiting the obnoxious garments, had the convicts employed on road-sweeping dressed in trousers so as to inspire disgust for sansculotte fashions. No general prohibition of this kind was issued in Prussia, but until

1798 all Prussian officials were restricted to knee-breeches for their nether garments. Trousers were held to be "unbecoming to the dignity and gravity of any holder of an official position." —*London Chronicle*, April, 1913.



LINCOLN'S OLD DICTIONARY

W. W. GLASS PRESENTS BOOK TO HISTORICAL SOCIETY OF MISSOURI.

COLUMBIA, Mo., Oct. 26, 1912.—A dictionary which belonged to Abraham Lincoln has just been given to the State Historical Society of Missouri by W. W. Glass, a retired farmer of Maryville, Mo. The book is called "An Universal Etymological English Dictionary and Interpreter of Hard Words." A bullet hole can be seen plainly in the cover. On the fly leaf are the names of members of the Lincoln family who owned it at different times, including "A. Lincoln" and "Thomas Lincoln." Thomas Lincoln was the father of the martyred president. The book was found in the attic of an old log house on a farm in Hancock county, Illinois. Mr. Glass bought the farm in 1879. On adjoining farms there lived three old bachelor cousins of Abraham Lincoln, and these men used to exchange books with the man from whom Mr. Glass bought the farm. The book went out of the possession of the Lincoln family in this way.



A PATRIOT'S REWARD.

PHIL SHERIDAN'S DEBT TO THE "QUAKERESS OF WINCHESTER"

Among the interesting people in Washington is Rebecca Wright Bousall, who has a job in the treasury department which she has held since 1868, having been appointed by Grant. This woman, known as the Quakeress of Winchester, secretly sent information to Gen. Phil Sheridan which enabled him to win a great battle, and, as a reward, she was appointed to her present place, as the result of a letter which Sheridan wrote to Grant

about her. The romantic story of the Quakeress of Winchester and what she did for Sheridan is told in the *American Magazine*. She lived at Winchester, Va., and by means of a letter sent to Sheridan gave him the facts which caused him to win the battle of Winchester. Her letter was carried to Sheridan by a negro. It was written on a thin sheet of paper, wrapped in tinfoil and carried in the negro's mouth. After the incident, Gen. Sheridan called on the young Quakeress and asked her what he could do for her. "Never tell this till after the war," said the girl quickly. "Swear on thy sword that thee will not mention it until after the war." Sheridan promised. Both knew well the fateful consequences were it known what she had done.

Almost three years after the battle of Winchester the general directed Gen. Forsythe on his behalf to present her with a morocco case containing a beautiful gold watch, chain and breast-pin which he had had made to his order. Enclosed with this gift was a letter which has been prized even more than the gift of gold.

"Headquats. Dept. of the Gulf, New Orleans,

"July 8th, '67.

"My Dear Miss Wright:

"You are probably not aware of the great services you rendered the Union cause by the information you sent me by the colored man a few days before the battle of Opequan (Winchester) on Sept. 19th, '64. It was on this information the battle was fought, and probably won.

"The colored man gave the note rolled up in the tin-foil to the scout, who awaited him at Millwood. The colored man had carried it in his mouth to that point and delivered it to the scout who brought it to me.

"By this note I became aware of the true position of affairs inside the enemies' lines and gave the direction for the attack. I will always remember this courageous and patriotic action of yours with gratitude and beg of you to accept the watch and chain which I send you by Gen'l Forsythe as a memento of Sept. 19th, 1864. I am very respectfully,

"Your ob't s'v't,

"PHIL H. SHERIDAN."

THE NORTH AMERICAN REVIEW

FRANKLIN SQUARE, NEW YORK, N. Y.

To Readers of Americana.

We take pleasure in advising you of the inauguration of a complete Editorial Department in the November NORTH AMERICAN REVIEW. This department, formerly conducted by George Harvey in "Harper's Weekly," will now appear regularly in the REVIEW.

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NOVEMBER, 1913

AMERICANA

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W. Doolittle

AMERICANA

November, 1913

The United States of America in the Light of Prophecy as Well as of History

BEING LECTURE DELIVERED BY JAMES ROOD DOOLITTLE, WHILOM JUDGE OF THE CIRCUIT COURT OF WISCONSIN, AND FOR TWELVE YEARS, FROM 1857 to 1869, UNITED STATES SENATOR FROM THE STATE OF WISCONSIN.

James Rood Doolittle, senator, was born in Hampton, New York, January 3, 1815; son of Reuben and Sarah (Rood) Doolittle; and sixth in descent from Abraham Doolittle, sheriff of New Haven county, Connecticut, in 1648. He was educated at Middlebury Academy, Vermont, removed with his father to Weathersfield Springs, New York, and was graduated at Geneva (Hobart) college, New York, at the head of his class in 1834. He was admitted to the bar, and practised in Rochester and Warsaw, New York. In 1847 he introduced the "Corner Stone" resolution upon which the Free-soil party was formed. He was district attorney of Wyoming county, New York, 1845-51, and colonel of the state militia. He removed to the state of Wisconsin in 1851, was elected judge of the first judicial circuit in 1853 and resigned in 1856. The legislature of Wisconsin on January 23, 1857, elected him a senator in congress and he was re-elected in 1863, serving until March 4, 1869. He wrote the call for the national convention that nominated Abraham Lincoln in 1860 and is the author of the famous epigram at the time of Lincoln's renomination in 1864: "I believe in God Almighty and under him I believe in Abraham Lincoln." He was a member of "the senate committee of thirteen" to arrange for a compromise of the differences between the North and South in December, 1860, and in 1861 he was a delegate to the peace convention. In 1866 he was requested by the legislature of Wisconsin to resign his seat in the senate on account of his support of the policy of President Johnson, but declined to do so. In 1865, as chairman of the committee on Indian affairs, he was a member of the special senate committee to investigate the condition of the Indians west of the Mississippi, and in the vacation of 1867 he was sent by the government to Copenhagen and St. Petersburg. He voted against the adoption of the 15th amendment to the constitution on state rights grounds, and insisted that the act of secession passed by a state did not cause it to cease to be part of the United States. At the close of his second term in the senate he resumed his residence at Racine, Wisconsin, practising law in Chicago, Illinois. He presided over the Union national convention at Philadelphia in 1866, and over the Democratic national convention at Baltimore in 1872. He was a trustee and acting president for one year of Chicago university and for several years was a professor in the law school attached to the institution. He received from Hobart the degree of A. M. in 1837 and that of LL.D. in 1854, and also received that of LL.D. from the Racine college, Wisconsin, in 1887, where he was

professor of legal sciences, 1858-59. He died at the home of his daughter at Edgewood, Cranston, R. I., July 27, 1897. His principal literary work was a treatise on "The United States in the Light of Prophecy," which treatise is now first published, the MS. having been preserved among his correspondence and other interesting historical and political data, much of which has appeared from time to time in *AMERICAN* and other historical publications as contributions from his literary executor, Duane Mowry, Esq., and he now favors this magazine by making it the medium of its publication.

CONTRIBUTED BY DUANE MOWRY, LL.B.

LADIES and Gentlemen:—I appear before you on this occasion, neither as a teacher to instruct; nor as a mere orator to please;—I aim at something higher than that; nor yet do I assume the character of a prophet; although it is my purpose to open the Book of Prophecy, and to look boldly into its sacred pages. If, while doing this, I may give utterance to some thought calculated to inspire the hearts of these young men and young women around me, with a deeper consciousness of that high destiny, to which, under God, the American Republic is called, as a power among the nations of the Earth; and if, at the same time, I may lift the thoughts of these men and women in middle life and more advanced years above the strifes, interests, and passions of the passing hour, and enable them to look out upon this beloved land of ours, in its past, present, and future, from a higher standard than the rostrum of a presidential canvass, or the forum of the Senate even;—and if, by doing so, I may awaken in all here, a pure and lofty patriotism, something akin to religious enthusiasm, in a word, ladies and gentlemen, if I may say anything to strengthen your faith in the perpetuity of our republican system of government, I shall rejoice, and doubly rejoice, at my coming here to address you.

The ultimate destiny of this Republic; its true position in history; the part it is to play now, and hereafter, among the powers of the Earth is to me the great and all-absorbing question, aye, ladies and gentlemen, that's the question of all other questions, which the American patriot and the American Christian is most concerned to know.

To solve that problem, it is not only our right, but our duty, to bring to bear upon it, so far as we may be able, the whole power

of human reason, the light of all history, and, if it be possible, the light of revelation.

To the reason of the statesman, and to the love of the patriot, I would join the faith of the Christian. In all ages, great stars have occasionally appeared in the political heavens, which may be called providential men—founders of states and dynasties. These men seem endowed with almost superhuman powers,—~~at~~ instruments to fulfill the purposes of Him who setteth up kings, and removeth them at his pleasure, the Lord of Lords and King of Kings. These men are not only conscious of being His ministers—holding, under Him, the political destinies of the world, but they actually seem to have an insight and a foresight in political affairs bordering upon inspiration. I might go further and say, that the most gifted of these great men have, at times, been moved by a kind of Inspiration. Great importance, therefore, is always attached to the sayings and predictions, even, of these men. What an immense power does that remarkable paper called “the will of Peter the Great” exercise on the empire of Russia! The sayings and predictions of the First Napoleon, Napoleonic ideas and policies ruled France for half a century. With what veneration do we accept the words of Washington, whether of advice, or warning, or prediction, as if he were politically inspired! The same may be said of Abraham Lincoln. But if we accept the Bible as divinely inspired, and all Christians do, there is our vision of the political affairs and destiny of mankind, which stands before, and pre-eminently above all others. It is recorded in the Holy Scriptures. It has been interpreted by Daniel, the great prophet of the old dispensation. It is the historic dream of all the ages—divinely inspired and divinely interpreted—the political vision of Nebuchadnezzar. In opening this Holy Book, in the presence of those around me, I would have it distinctly understood that I do so as a layman, not as a theologian, as a lawyer, statesman, if you please, and not as a priest. And I disclaim altogether any new or supreme knowledge of its import, beyond what a fair interpretation of its language, viewed in the light of history, and the events of our own time would impart. I would only exercise the privilege of the humblest citizen in this land, of looking boldly,

yet reverently, into that Book, which for ages, by the clergy upon the one hand has been supposed to relate too exclusively to man's religious state, and on the other hand, by the politician and statesman has been either rejected altogether, or suffered to remain a sealed book:—as if it shed no prophetic light upon man's political state, or his relations to the governments of the earth or their relations to each other.

The Bible informs us that nearly two thousand five hundred years ago, the greatest warrior, statesman and monarch of the Eastern World had a vision of what should come to pass thereafter in the governments of the world, “in which the God of Heaven made know to him what shall be in the latter days.” Before considering the vision or its interpretation by the prophet, let me remind you who Nebuchadnezzar was, and of the empire over which he then reigned as absolute monarch, and of the great city where he had his chief palaces.

The Assyrian empire, including both the first and second empire, from the best accounts which come down to us, had at this time existed about fourteen hundred years. It had undoubtedly been the ruling power of the world for more than a thousand years. The city of Babylon was then its capital. Its walls were three hundred and fifty feet high, eighty-seven feet thick, and sixty miles in length around the city. On the west side of the city there was excavated an artificial lake forty miles square and thirty feet in depth, to receive the waters of the Euphrates in times of flood and prevent the inundation of the city. There were also its temples, and hanging-gardens, terraced one above another, upheld by immense stone arches upon arches three hundred and fifty feet high; so high as to overlook the outside walls of the city, and which this same monarch had made to imitate the mountains of Media to please and gratify his wife who was a Mede by birth.

In this railroad age where so much capital, energy, and skill are employed in the construction of great public works, perhaps I can in no way, so forcibly remind you of the power, riches, and resources of that empire, as to state in round numbers the cubic yards of masonry in the walls of Babylon, and the amount of excavation necessary to form that immense artificial lake, or

reservoir, for the waters of the Euphrates. There would be over three hundred and thirty millions of cubic yards of masonry in the outside walls alone; and, there would be required an excavation of nearly fifty-eight billions of cubic yards of earth, which, at twenty cents per yard—a very low estimate—would require an expenditure of \$11,000,000,000.

It is estimated that there is about six or seven billion dollars of gold and silver in the circulation medium of the world. So that, if considered as a financial question, all the money of the world, at this day, would not half pay for the construction of the walls of Babylon and its immense artificial lake. This seems almost incredible. But Herodotus, Diodorus, Megasthenes, Xenophon and other ancient historians give such particular accounts of the city of Babylon that it demands our belief, however humbling it may be to human pride to know that at this day, hardly a vestige of the great city still exists. The voice of the Almighty by the Prophet Isaiah (XIII-19-22 and XIV-23-24) addressed to Babylon twenty-five hundred years ago, said: "Babylon, the glory of kingdoms, the beauty of the Chaldees' excellency, shall be as when God overthrew Sodom and Gomorrah. It shall never be inhabited, neither shall it be dwelt in from generation to generation: neither shall the Arabian pitch tent there; neither shall the shepherds make their fold there; but wild beasts of the desert shall lie there; and their houses shall be full of doleful creatures; and owls shall dwell there, and satyrs shall dance there. I will make it a possession for the bittern, and pools of water; and I will sweep it with the besom of destruction, saith the Lord of Hosts; The Lord of Hosts hath sworn, saying, surely as I have thought, so shall it come to pass; and as I have purposed, so shall it stand." This prophecy made of Babylon while at the zenith of her power, is now so literally fulfilled that until recently the best geographers could hardly point out the spot where it stood; yet we are satisfied upon evidence, sacred and profane, of a character perfectly overwhelming, that Babylon did once exist, and was the capital of a mighty empire, over which Nebuchadnezzar reigned in the days of Daniel, the Prophet, of whose power, dominion, resources, wealth, and magnificence, we at this day, can hardly form a conception. That was

the kingdom on which he reigned supreme, and that was the king to whom the God of Heaven gave the vision to which I now call your attention in the language of the Prophet. (Daniel II. 29, 31-45.) "As for thee, O King, thy thoughts came into thy mind upon thy bed, what should come to pass hereafter; and he that revealeth secrets maketh known to thee what shall come to pass: Thou, O king, sawest, and behold a great image. This great image, whose brightness was excellent, stood before thee, and the form thereof was terrible. This image's head was of fine gold, his breast and arms of silver, his belly and his thighs of brass, his legs of iron, his feet part of iron and part of clay. Thou sawest till that a stone was cut out without hands, which smote the image upon his feet that were of iron and clay, and break them to pieces. Then was the iron, the clay, the brass, the silver, and the gold, broken to pieces together, and became like the chaff of the summer threshing-floors; and the wind carried them away, that no place was found for them: and the stone that smote the image became a great mountain, and filled the whole earth. This is the dream; and we tell the interpretation thereof before the king. Thou, O king, art a king of kings: for the God of heaven hath given thee a kingdom, power, and strength, and glory. And wheresoever the children of men dwell, the beasts of the field, and the fowls of the heaven, hath he given into thine hand, and made thee ruled over them all. Thou art this head of gold. And after thee shall arise another kingdom inferior to thee, and another third kingdom of brass, which shall bear rule over all the earth. And the fourth kingdom shall be strong as iron: forasmuch as iron breaketh in pieces and subdueth all things; and as iron that breaketh all these, shall it break in pieces and bruise. And whereas thou sawest the feet and toes, part of potter's clay and part of iron, the kingdom shall be divided; but there shall be in it of the strength of iron, forasmuch as thou sawest the iron mixed with miry clay. And as the toes of the feet were part of iron, and part of clay, so the kingdom shall be partly strong, and partly broken. And whereas thou sawest iron mixed with miry clay, they shall mingle themselves with the seed of men; but they shall not cleave one to another, even as iron is not mixed with clay. And in the days of these kings shall the

God of heaven set up a kingdom which shall never be destroyed: and the kingdom shall not be left to other people, but it shall break in pieces and consume all these kingdoms, and it shall stand for ever. Forasmuch as thou sawest that the stone was cut out of the mountain without hands, and that it brake in pieces the iron, the brass, the clay, the silver, and the gold; the great God hath made known to the king what shall come to pass hereafter: and the dream is certain, and the interpretation thereof sure."

I know not why it is, but every great drama embraces five acts or principal parts. It may be the result of poetic inspiration; it may have come from tradition; or it may have followed the example of the first and greatest of all dramas, the divinely inspired, and divinely interpreted drama, divided into five grand acts or parts. Its theatre is the whole world; its leading characters are its ruling empires; its change of scene is a change of continents; and its full development embraces all time and the political destinies of the whole human race.

Those parts or acts, in their order, stand as follows:

I. The Golden Kingdom;

II The Silver Kingdom;

III. The Brazen Kingdom;

IV. The Iron Kingdom, with its subdivisions into ten lesser Kingdoms of Iron and Clay; and

V. The Kingdom of the Stone, which is to overthrow all others, which is to be the last, and which is to be perpetual.

It is my purpose, in the first place, by a brief glance at history and a reference to some of the best writers upon prophecy, to show that the scenes of the first two acts of the Drama, in which the golden and silver kingdoms appear as principal characters, are mainly laid in Asia, and that those characters are the Assyrian and Medo-Persian kingdoms; that the scenes of the third act, in which the brazen kingdom is the leading character, are mainly laid in Southeastern Europe, in Egypt, and in Asia Minor, and that the Grecian kingdom is that character; and that the scenes of the fourth act, in which the kingdom of iron with its subdivision into ten lesser kingdoms of iron mixed with clay, is the leading actor, are laid, principally, in Europe, and that the

Roman power with its subdivisions into the lesser kingdoms, and which now constitute the present kingdoms of Europe, is the leading character. And it will then be my purpose to inquire, as the curtain rises upon the scenes of the fifth and last act in this sublime drama, upon which Continent are these scenes laid, and what political power among the nations of the earth is to appear in that act in the great character of the kingdom of the stone?

Are not these scenes laid on this Continent? In this New World? And is not the American Republic already the light of the nations, although yet in infancy, and having lately passed through its second baptism of blood and fire, to act the part of that great character, The Kingdom of the Stone? To these questions, before I conclude, I shall respectfully invite your earnest attention.

As to the first, or golden kingdom, represented by the head of fine gold, there can be no dispute; for the prophet says, in express words, to the King of Assyria: "Thou art this head of gold." In Asia, most of the scenes of the first act were laid. And the name of Babylon, the capital of the Assyrian Empire, appears as the primeval seat of political society, the cradle of civilization. The Assyrian Kingdom ruled the world for more than a thousand years.

As to the second, or silver kingdom, represented by the breast and arms of silver, there has been no controversy, either among Jews or Christians. It is, beyond question, the Medo-Persian Kingdom, established by Cyrus the Great, who, after a long siege, took the city of Babylon, at the time of the feast of Bels-hazzar, twenty-three years after the death of Nebuchadnezzar. "Thus far," says Bishop Newton, "all critics and commentators are agreed." In the second act of this historic drama, the scenes are mainly laid in Asia, sometimes reaching to Egypt, and through Asia Minor into Greece. But the second, or Medo-Persian Kingdom, never, like Assyria, attained to universal dominion. The second kingdom was inferior to the first.

But third: The prophet, speaking of the third, Kingdom of Brass, says: "It shall bear rule over all the earth." It is universally known, that, as the Babylonian Kingdom was over-

thrown by the Medes and Persians, who, under Cyrus, were consolidated into one empire, so the Medo-Persian Kingdom, in its turn, was overthrown by Alexander the Great, at the head of the Grecian army. The dominion established by the Greeks was fitly called the kingdom of brass, for the Greeks were famous for their brazen armour, their usual epithet being Χαλκω Χιτώνες Αχαιοί — brazen coated Greeks. The Grecian Empire became *universal*. Alexander commanded that he should be called the king of the whole world; and it is said of him, that he wept because he could not be the conqueror of another. The scenes of this third act were enacted in Southeastern Europe, Egypt, Asia Minor and Asia. Alexander, like Cyrus before him, took Babylon, the capital of the old Assyrian Empire. At the very moment when that great conqueror was preparing to re-establish that first of cities as the capital of his empire, he fell sick. He was taken to the palace built by the father of Nebuchadnezzar, and there, in the first capital of the first great empire of the world, the third conqueror of the earth breathed his last.

Fourth: "And the fourth kingdom," says the prophet, shall be strong as iron: forasmuch as iron breaketh in pieces and subdueth all things; and as iron breaketh all these, shall it break in pieces and bruise." I quote once more from Bishop Newton: "All ancient writers, both Jewish and Christian, agree with Jerome, that the fourth, or Iron Kingdom, was the Roman Power." History shows, that after the death of Alexander, his empire was broken into fragments;—at first, into four parts, and held by his generals. They, and their successors, waged war upon each other for the mastery with various success, until, in due time, the Roman Power, whose advancing legions took no steps backward, completely subjugated the whole Grecian Empire;—and advancing north and west, took also what no former power had subdued, viz; Spain, Gaul, Britain and Germany. It reduced all into Roman provinces, establishing new laws, new boundaries for states, and for provinces;—becoming, indeed, strong as iron, breaking in pieces and subduing all things, from the wall of Cheviot Hills, which separated England from Scotland, to the river Euphrates. This fourth act in the drama is a long one, covering, in point of time, nearly two thousand years,

its scenes are enacted in Asia, Africa and throughout Europe. Its division, first, into the Eastern and Western Empires, and its sub-division into the lesser kingdoms of Europe, are described in strong language by the prophet;—in which he clearly foreshadowed that remarkable system, which, for many centuries, has governed European affairs, called, in the language of our day, “*the balance of power*;” “and whereas thou sawest the feet and toes, part of potter’s clay and part of iron, the kingdom shall be divided; but there shall be in it of the strength of iron, forasmuch as thou sawest the iron mixed with clay. And as the toes of the feet were part of iron and part of clay, so the kingdom shall be partly strong and partly broken. And whereas thou sawest iron mixed with miry clay they shall mingle themselves with the seed of men; but they shall not cleave one to another, even as iron is not mixed with clay.”

The iron was mixed with miry clay. The old Roman Empire of iron was overrun by the barbarous nations of the North, by those wonderful and inexplicable migrations of whole nations of people, rather than by their organized military forces. It was the rushing in of innumerable hosts of men, women and children, like the overflowing of many waters; against which the Roman Legions could interpose no sufficient barriers. These barbarians mingled with the inhabitants of the empire, adopted to a considerable extent their laws, language, religion and customs, and produced that subdivision of the political power of Rome into ten lesser kingdoms, answering to the ten toes of the feet of the image, among which are embraced the Kingdoms of Europe of our day.

These Kingdoms have retained much of the old Roman strength and have manifested it on many occasions. They have mingled themselves with the seed of men. They have formed marriages and alliances one with another for a thousand years, as they continue to do at this day. But no solid or permanent union among these nations has ever taken place. During that long period each of the leading powers has struggled to obtain complete mastery in Europe, and thus to overturn the balance of power system and establish universal empire upon the Continent,—at times seemed almost to have obtained it, but did not.

An over ruling power always stood in the way. At one period Spain, at another Sweden, at another Great Britain, France under Charlemagne, and again under the first Napoleon seemed almost to reach it. The late Emperor, Louis Napoleon, full of the same ambition, rushed like a madman upon Prussia. Prussia ready for the struggle, like a giant crushed her assailant and trampled the military prestige of France under her feet. Instead of France dominating Europe the danger now is that Prussia, having found out her own strength, may yield to the same dreams of conquest which have led other European nations to attempt to destroy that system of independent nationalities in Europe, and to establish universal empire:—in a word—a European centralized despotism.

But fear not. A mightier than England, France, Austria, Russia, or Prussia established and still holds the balance of power in Europe;—and will prevent any one of the nations into which the old Roman Empire was divided, from establishing a universal empire, for God, the Almighty, had spoken it: “They shall not cleave one to another even as iron is not mixed with clay.”

It will be observed that thus far we have only followed the commonly received opinions of all writers, ancient or modern, with few exceptions. And we venture to affirm that no human pen since all these events have transpired, with the lights of history, has ever traced, or could ever trace the outline of the world’s history, in lines so clear, so definite, and so concise, as they were drawn by the prophet in interpreting this political vision of Nebuchadnezzar. But we have as yet, passed over only four acts in the great drama.

The fifth and last act is to be considered. It is the more important, and to us, as Americans, by far the most interesting part of this grand drama of the ages. In considering this I go one step beyond the commonly received opinions of writers upon prophecy. It has been thought by some that the fifth act in this drama was not to be like the four preceding ones, political, but that the church of the Christ who expressly declared “my kingdom is not of this world,” in some one unexplained and undefined

way, in its organized capacity, is to overthrow all systems of human government, and be substituted in its stead.

Let us consider this for a moment. The Prophet, in opening the Fifth Act, uses this language: "Thou sawest till that a stone was cut out without hands, which smote the image upon the feet that were of iron and clay, and break them to pieces. Then was the iron and the clay, the brass, the silver and the gold broken to pieces together, and because like the chaff of the summer threshing-floors, and the wind carried them away, that no place was found for them, and the stone that smote the image became a great mountain and filled the whole earth." (Daniel II. 34-35.) The interpretation is given in these words: "And in the days of these kings, referring to the ten lesser Kingdoms of Europe, "shall the God of heaven set up a kingdom which shall never be destroyed, and the kingdom thereof shall not be left to other people; but it shall break in pieces and consume all these kingdoms and it shall stand forever; and the dream is certain and the interpretation thereof sure."

It must become in mind that most of the great men who have written upon people—by such as Bishop Newton, Sir Isaac Newton, and others, in England—lived and wrote at a period when this Continent—this new world—was regarded a far off wilderness of savages and wild beasts, and before this Colossal Republic, which is still in its infancy, had taken any position among the powers of the earth. Besides it is not in man, however gifted, to explain prophecy before its fulfillment. The most that we can hope for is, that by earnest study we may see what has been fulfilled in the past, and what is being fulfilled by the great events of our own day and generation. The curtain which concealed from human vision the scenes to be enacted in the fifth act of this great political drama had not been drawn aside in their day.

It is my purpose to show that the curtain is now drawn aside; that the fifth act is now in progress; that the Continent of America is where its principal scenes are laid, and that the United States of America, the great Republic of the World, is that government, political power, or kingdom, (which last named word in the original is the generic name equally applicable to

any form of human government,) which appears and enacts the character of the Kingdom of the Stone.

In the outset I wish distinctly to affirm that while I maintain this position, that I admit that the doctrine of Christianity underlies our system. Indeed, I would go further and maintain that our system of government, when properly understood and administered is, both in theory and practice, but the application to the science of government, in the only practicable or possible mode of the great command, "Thou shalt love thy neighbor as thyself." The Declaration of Independence, which asserts the equal rights of all men, the writings, speeches, and messages of our great statesmen prove this;—the often quoted language of General Jackson, almost unequalled for its beauty and simplicity, "Ours is a plain system, void of pomp, protecting all, granting favors to none, which dispenses its blessings like the dews of heaven, unseen and unfelt, save in the richness and beauty they contribute to produce;"—the words of Lincoln, and all similar expressions, so frequently heard on all sides, are but reiterations in the language of statesmen of the same cardinal doctrine, "Thou shalt love thy neighbor as thyself." Let no one, therefore, suppose that the view I have taken in the least degree underrates the influence of Christianity in preparing the minds of men for the establishment and maintenance of our Republican system of government. So far from it, I would maintain that our system is the outgrowth of Christianity, and of modern civilization—itsself one of its golden fruits.

Our system of government, or one approximating it, presents the only practicable or possible mode by which, in the present state of human existence, Christianity can ever rule the governments of this world, or, in the language of the Bible, the only practicable way in which "the kingdoms of this world shall become the kingdoms of our Lord and His Christ."

As a practical political question, does any one suppose the church in her organized capacity, is to destroy all other systems and forms of government, and take the reins into its own hands? That the time will come when legislators, judges and executives shall be no longer known, and the duties of all these offices shall devolve upon bishops, priests and deacons? That idea, for

twelve hundred and sixty years, has been the dream of the Temporal Power. But that dream is over. The dogma of infallibility was declared one day, war against Prussia was declared by France the next. During the battle of the giants, Italy quietly made Rome the capital of Italy, and the Bishop of Rome is now no longer a temporal sovereign, but simply a spiritual father in the Church. Again, does any enlightened man of this age suppose that the Church, as an organized body is to be united with the State, and in that way, and by such a union, to control the kingdoms of this world, or break them in pieces? Has not that system also been tried long enough to satisfy every thinking man that such a union of Church and State tends to corrupt both the Church and State;—to make politicians of priests, and, hypocrites of politicians?

How then can Christianity exert its proper influence upon the nations of the world? I answer, emphatically, not by making the Church the State and re-establishing a Theocracy, like that of the Jews; nor by uniting the Church with the State, corrupting both; but in keeping the State entirely free from all Church establishments, while giving equal rights and guaranteeing equal protection to all; and by placing the political power of the State in the hands of the people under a system like ours, and at the same time leaving the Church and its ministers absolutely free to preach the gospel to every creature, and thereby to elevate and purify the heart of every man, who has a voice in the government.

The language often quoted is, not that the kingdoms of this world shall be destroyed and the kingdom of Christ reign in their stead, but that the kingdoms of this world shall become the kingdoms of Christ. Another passage says that the kingdom shall be given,—not to the saints, but “to the people of the saints,” which, in plain English, in the language of statesmen, means simply this, that in the fullness of time, the people shall rule all governments, and that, in the end, the great doctrine of Christ, viz: of equal rights and protection for all men, contained in the words, “thou shalt love thy neighbor as thyself,” shall, so far prevail among the people as to control the administration of their foreign and domestic affairs, as to establish the equal

rights of all men and of all nations. "Peace on Earth and Good Will among Men."

Having noticed the only conceivable objections, I come now to consider more positive proof that this Republic is the Stone Kingdom, or Fifth Empire. "Thou sawest till that a stone *was cut out without hands*," interpreted by Daniel to mean, "the God of heaven shall set up a kingdom." This by no means implies that it is to be done by miraculous interposition; for in this same chapter the Prophet declares in general terms of all nations, "it is the God of heaven who setteth up kings and removeth them at his pleasure."

But the truth of history is; no considerations of worldly aggrandizement, or of governmental policy controlled the first colonization of this country. That in the beginning, the United States of America received the richest blessings of the God of heaven and have been the object of His special care, must be seen and felt by all who have carefully read the history of their colonization, growth, development and Independence.

No person can read Bancroft's history of the settlement of New England, Pennsylvania, Maryland and other colonies without the most profound conviction, that take them all in all, the pilgrim fathers were most extraordinary men;—and, if it can be truly said of any men in all history, *these men* in the great rush of colonizing this country, were under the superintending providence of the Almighty. They relied on Him. They were influenced and controlled neither by human force, nor by considerations of selfish human policy. They were led by higher, nobler, purer and holier principles than ever before laid the foundations of human empire. Some faults they had, 'tis true. But taken all in all, they were great men;—brave men;—honest men;—Christian men. They came, neither for the "wealth of seas nor the spoils of war." They came to establish civil and religious liberty; and to realize them in actual life. There was no sufficient room for their development in the old world; they sought and found it in the new, in this new world which seems, in the providence of God, to have been reserved until that period and for that very purpose; ready to receive them into its waiting and yearning bosom as the mother takes her new born child.

We say, therefore, with emphasis: The God of Heaven did set up *here*, the Kingdom of the Stone.

Again:—The prophet in a single line, draws with unerring hand an outline of the form of the government in this kingdom, viz; “and the kingdom shall not be left to other people.” In other words, the people shall govern themselves, self-government is the essence. If the prophet had used the language of our Constitution, and said the God of heaven guaranteed a Republican form of government to the Kingdom of the Stone, it could hardly be more clear or positive. This feature it is, which distinguishes our system from that of the old world of other ages, when it was said the people were made for their rulers, who derived their power not from the people, but from God. While here the government is made for, and its rulers are chosen by, the people themselves. With equal confidence, therefore, I affirm this language used by the prophet to describe the form of government in the Stone Kingdom cannot apply to any other than to a system of self-government; to any other than a Republic. And the United States of America is that Republic.

Again:—Once more let us recall the vision. “The stone smote the image upon the feet, and broke them to pieces. Then was the iron, the clay, the brass, the silver, and the gold broken to pieces together, and became like the chaff of the summer threshing-floors, and the wind carried them away that no place was found for them,” which is interpreted by the prophet, “it shall break in pieces and consume all this kingdom.” The United States, in enacting the part of the Stone Kingdom in this fifth part of the great drama, has already *in part* fulfilled this prediction; and it is fulfilling it with every revolution of the Earth.

The blow was to strike the feet of the image, which with the ten toes, as we have seen, represented the kingdoms of Europe, into which the old Roman Empire was to be divided. Sir Isaac Newton maintains that Chaldea and Assyria are still the first empire; that Media and Persia are still the second; that **modern** Greece, Asia Minor, Syria and Egypt are still the third; and that the kingdoms of Europe this side of Greece are still the fourth. While, if my views are correct, this New World of

America is the fifth; and the blow was to be struck by America upon the feet of the image, or upon the ten kingdoms into which Rome was to be subdivided west of Greece; and such has been the fact.

History shows that no sooner had our independence as a Republic been achieved; no sooner had our Republic been ushered into existence to take a position among the powers of the earth, based upon the doctrine of the Declaration of Independence, asserting the *equal rights of men*, and that governments derive all of their just powers from the consent of the governed, or in the language of the prophet; that government “shall not be left to *other people*,” but is a part of every man’s business;—then the light of our example set the Continent of Europe on fire. It produced that most wonderful and terrible of political convulsions, the French Revolution of 1798, the end whereof is not even yet. Since that day every nation on the Continent has been *revolutionized*; and the conviction is growing deeper and stronger both in the midst of the people and of the rulers who govern them that other revolutions are to follow.

Even Russia, the most absolute of European powers, has been made to feel, and the late most enlightened Czar, Alexander II, in his speech to his nobles upon the abolition of serfdom in his empire, declared that “reform must come from above, that it may not come from beneath.” And true to his generous and humane purpose, at a single blow, he struck off the chains which held in bondage twenty-three millions of serfs. And borrowing light from our example, he even proposed to some extent to change his whole government into a federal system, with a congress of representatives and nobles; and with separate legislative assemblies for the various provinces of his empire. What he has already done in abolishing serfdom, and has now done in freeing the Christians of European Turkey, places his name in history by that of Peter the Great. And should the latter purpose be carried out, he will do much to Americanize the Russian system, not in form, but in substance, by giving to each people the substance of a local self-government, without which all liberty is impossible.

France is again Republican in the form of its government.

And while that, at first, we were not fully assured, we are led to hope and believe that it may become so and remain so in substance and in fact.

Spain, of late, for a long time balanced between a Republic or a Monarchy, and while the latter form was at length chosen, the great idea that the people choose their own rulers was fully acknowledged.

The Temporal power has ceased to exist at Rome, and by the voice of the people of Italy that nation is now united with Rome for its capital. And Victor Emanuel reigned, and Humbert, his son, is reigning, by the will of the people of Italy, under a constitutional monarch and a responsible ministry, with a parliament like that of Great Britain,—almost a Republic.

While all Germany has lately been united under William as emperor, the German parliament, like that of England, is a place where the popular will is expressed and felt; and the ministry acknowledged their responsibility to the representatives of the people.

If, as I hope, France, instead of preparing for the next quarter of a century to invade Prussia with an army, shall maintain peace with all the world, and develop true Republican institutions, her example upon Prussia will be more powerful than a conquering army. And France will regain a moral ascendancy on the Continent of Europe, and will be foremost among the European nations in the new era of liberty and peace.

As to England herself: Every year she is becoming more and more Republicanized;—more and more Americanized, both in Church and in State. The people there have obtained complete control of the government, through the House of Commons;—to which Catholic as well as Protestant, Jews as well as Christians, may be elected.

In France, even under the empire, Napoleon the first, as well as Louis Napoleon, acknowledged the right of the people to elect their own rulers. Both claimed their right to the throne through the suffrages of the people.

In Italy, as we have seen, Victor Emanuel was chosen by the votes of the people to be their king. Everywhere the doctrine

of our Declaration of Independence, that rulers hold their powers only by the consent of the governed, has triumphed.

The Kingdoms of Europe, the ten lesser kingdoms into which the old Roman Empire was divided, are already, to a considerable extent, Americanized and Republicanized. The Stone has, indeed, smitten the feet of the image.

There was a time when the great rebellion in favor of slavery made the friends of constitutional liberty almost tremble for fear that the American Republic itself, might be overthrown. The tyrants and absolutists of the old world hoped and prayed that the Flag of the Stars might be torn in pieces, and disappear from their sight. And for a time, in the midst of our bloody civil war, they really thought the hour had come, and that their prayer was answered. But that Divine Being, who declared by the mouth of the prophet, "it shall stand forever," watched over this Republic, and gave it the supreme and final victory at last. And our standing and example is now more powerful among the nations than ever before.

The question may be asked, how and in what manner does the Republic of the United States smite the image upon the feet and break them to pieces? Is it by war? or by its example? by force, or by reason? I answer, not by armies of invasion, not by war and conquest, but by *the light of its example*. While a large portion of the press in Europe, controlled by monarchists, may deride our republican institutions, and exaggerate our faults—for faults we have; it is not in the power of the rulers of Europe to strike from the minds of the people of all the earth, the consciousness, that in the new world, there is a young and vigorous Republic, where the equal rights of all men are acknowledged by all, where the people govern themselves, where the kingdom is not left to other people; that in its past, present, and future it goes beyond any other nation in the whole history of mankind; that it embraces in its domain the best portion of the temperate zone of a continent, reaching from ocean to ocean, with exhaustive resources and productions; and by its gigantic railroads on the vast barren plains from Europe to Asia; and that with every year it is making the most wonderful and almost miraculous advances in all that can make a nation great and powerful.

And what confounds and astonishes them more than all else is, that in a few months we placed armies in the field of more than one million men, furnishing our own materials and supplies, kept them in the field four years, and after the war was ended all this vast army returned quietly to the pursuits of private life, as if there had been no war at all. This great example, by its moral power, is converting the people of all the nations of Europe into Americans, in their ideas of human government. And to such an extent has this gone that no great statesman of Europe would at this day, dare to avow the old doctrine of the divine right of kings; but on the other hand, they all avow the ultimate right of peoples to rule themselves.

Again, we are smiting the nations of Europe, not by war, not by hostility of any kind, but by extending to their most enterprising, vigorous and youthful population, in this great, free and rich land, all our own rights, liberties and wealth. And they are coming from England, Scotland and Ireland; from Germany, Denmark, and Sweden and Norway; from France, Austria and Belgium; from Italy, Spain and Portugal, by hundreds of thousands. They are planting themselves upon the fertile lands of the West, and bringing with them vigorous minds and brave hearts in strong bodies, and are thus pouring in upon us a flood of human life. Their migration is not essentially weakening the European nations, but it is adding greatly to the power of our own. "Thou shalt love thy neighbor as thyself," is the great command. As a nation we accept it, and act upon it towards all mankind. We have bread enough and to spare, land enough and to spare, is the language of America to the oppressed and toiling millions of the old world. Come, take them and enjoy them, almost without money and without price. And the hundreds of thousands who annually accept this invitation, and come to our shores, and find, indeed, that the one-half had not been told them, repeat, again and again, to the friends who remain behind them, the same cordial invitation in language more simple, perhaps, but none the less powerful. To say nothing of the communications which appear in the public journals, and the reports of travelers who are continually going and returning, think for a moment, of the countless numbers of private letters,

in all languages, which are annually sent by sons and daughters, brothers and sisters, to their parents, brothers and sisters, under their own hands, telling them, this is the land of freedom, here is work enough, and wages enough, and bread enough, here is land enough, and writing them to come, and often enclosing the money to enable them to come to enjoy this better land.

These letters do not appear in the public journals, it is true. But they fall still and thick as the leaves of the forest all over Europe. They are silently read at hundreds of thousands of firesides, thrilling millions of bosoms with emotions never felt before, and by all the ties of kindred and affection as well as by the inherent love of liberty, bind to this country and its institutions the hearts and the hopes of the millions of Europe as with hooks of steel.

It may be said by some, the forms of monarchical government among the lesser kingdoms of Europe have not passed away. They have not as yet been broken utterly, broken in pieces, and become as the chaff of the summer threshing-floors; but there is not a throne in Continental Europe this side of Russia which does not depend upon the sufferance and consent of the people, and which may not give way to a Republic in form as well as in substance. Even Germany, with all her present apparent strength as an empire, if France will only remain tranquil and peaceful, and continue to be a republic in form and substance as well as in name for ten years longer, will prove to be no exception. The example of America and of France upon England and upon Germany will certainly republicanize them. The great idea of the Declaration of Independence is a mighty spiritual force working every year with more intensity and force upon the minds of all civilized men. The time is coming and is near at hand when every nation in Europe must choose between the doctrine of America and the doctrine of the Holy Alliance, between Republicanism and Absolutism. There is no middle ground, no neutral ground. The Republican of the United States of America must be stricken from existence, or all other christian and civilized nations must yield to its ideas and become republican. "The kingdom shall not be left to other people." The people shall govern themselves. And the Stone which smote

the image shall become a great mountain and fill the whole earth.

Gentlemen: We are in the midst of the fifth act of the great drama of the ages, in which our own Republic is enacting the grandest character of all—the character of the Stone. I cannot draw aside the veil which conceals the future scenes in this act from our view. I do not pretend to be a prophet to know, or to predict, what further part the great Republic, as the leading character, may be called to take in the full development of all the scenes of the fifth act of the great political drama sketched by the prophet's unerring hand, when the last and final struggle between the hosts of Despotism and the hosts of Republicanism shall take place on the fields of Europe. But when the struggle comes, if come it must, I trust that in the same hour it will be given to the Republic of America to know and to do her whole duty to God and to Man.

Neutrality—non-intervention—was our true policy in the days of Washington. We were then in infancy, and isolated in position. Non-intervention and strict neutrality is still our policy. We have just reached the period of prodigious growth, and have lately passed through a terrible trial to determine whether we could sustain or must abandon our great ideas, and whether the great Republic itself would live or die. Our duty, our interest, and our policy, is peace. Above all things, except natural existence, honor and independence, we desire peace, a peace with liberty—a peace based upon justice, liberty and equality to all States and to all citizens under the Constitution. Above all we would avoid any war with England, our kindred, speaking the same language and living under the same laws, where civil liberty is secure to all, where the writ of Habeas Corpus and the right of trial by jury is as sacred as it is among us.

But if the time should ever come when, as some suppose, some new Holy Alliance may be formed to crush out Republican ideas and principles among the European nations; when England, where those ideas and principles have made most progress, shall herself put on a Republican form of government, as she may; and if another Holy Alliance should unite to crush out Republican ideas and principles on the Continent and even England; then England, ay, England, proud and strong as she has been

and is, in the hour of her extremity, becoming herself republicanized, instead of struggling as she once did to put down the liberties of the people in Europe, will be ready to sustain them. She may then appeal to the great Republic of America with its hundred millions of people, to form an alliance with her and to aid her in that contest.

All the world has learned, by our war with Mexico, by the war in the Crimea, as well as by the movements of the French Army into Italy, and by the movements of our own troops by sea, in the late civil war, that the transportation of troops, munitions, and all the enginery of war by steamers on the sea, is more expeditious, and even more economical than by land, itself; that in a military sense, there is no more sea; that the sea has ceased to be a barrier against invading armies as it was formerly; that, on the contrary, it may be made the easiest transit for approach of armies. Therefore, our position is no longer so isolated as it once was, because surrounded by the ocean. And therefore, we may be compelled to change our hitherto cherished policy of non-intervention.

Should that contingency, which we have supposed, arise, in another century, when the Republics of England and France, in order to sustain the liberties of their own people, and of the other peoples of Europe, should seek an alliance with the great Republic of the United States, forgetting all the wrongs which England has done us in the past, both during the Revolutionary war and the war of 1812, and during the late Civil war, great as those wrongs have been, would see in her struggle for liberty and republican institutions, that her cause would be our cause, and it might then become our duty to aid her in that struggle. O! should that day ever come, when Old England and Young America, speaking the same language, maintaining the same religion, the same Anglo-Saxon liberties and Common law, should be bound together for the defense of Republican institutions! What a scene for the historian! What a group would then be presented for an American Artist! The mother leaning with pride upon her once injured, but now respected and beloved child, the MAN CHILD of prophecy;—in the day of his strength asking him to stand with her, for the freedom of the world.

Once again the prophet declares, "the Stone which smote the image became a great mountain and filled the whole earth." It is not necessary, in order to maintain that the United States is enacting the character of the Stone, to say the whole world, including all of America, South as well as North, all Asia, Europe and Africa, with all the Islands of the Sea, is to become actually united or confederated with us under our constitution. It is enough to say that the United States of America will become the leading and most powerful nations on the face of the earth; and that in the fullness of time, through the influence of its ideas and example, all the principal or civilized nations of the earth shall become revolutionized, overturning all the forms of despotic government; and placing the power to rule the State, in the hands of the people themselves; when the kingdom, or the political power shall not be left to other people; in a word, when all the civilized nations will, in their systems of government, approximate, more and more nearly to our system, just as then, people shall become more and more enlightened, Christianized, Republicanized, in a word, AMERICANIZED; when all civilized nations under our lead and by the light of our example, shall become united together by treaties of friendship, providing for the settlement of all claims and disputes, not by arms, but by disinterested arbitration; when large standing armies and navies shall cease; when all nations shall enter upon a system of free commercial intercourse, which is itself the practical annexation of the whole world, of all to each, and of each to all; then will commence that long promised era, for which the hearts of the millions of our race throb and pant, as the hart panteth for the water brooks—THE UNIVERSAL REIGN OF PEACE.

This vision and the interpretation, was of what was to come to pass thereafter among the governments of the world, and it purports to speak of every leading empire until the setting up of the last form of government upon the Earth—the Kingdom of the Stone.

If this American Republic is not that kingdom, how is it possible that this republic should not have been even mentioned by the prophet in the *order of events*? And as he speaks, especially, of what shall happen in the latter days?

This Republic is by far the most important, peculiar, striking and powerful the World has seen since the Roman Empire of Iron. The argument drawn from this view is *almost absolutely conclusive* to show that the United States is the Kingdom of the Stone.

In the enactment of this great drama of the ages, the seat of empire has always been found in the North Temperate Zone, and found always advancing Westward. (See Bishop Berkeley.) As I have already said, all commentators are agreed that the scenes of the first two parts, of the Golden and Silver kingdoms of Assyria and of Medo-Persia are principally laid in Asia; the scenes of the third or Brazen kingdom of Greece, are laid in Southeastern Europe, Northern Africa and Asia Minor; and of the fourth, or Iron kingdom of Rome, with the iron and clay subdivisions into the ten lesser kingdoms of Europe, are principally laid in Europe, including Spain, Gaul and Britain.

And if the view which I have taken be correct, the scenes of the fifth, or kingdom of the Stone, embraces this continent—this New World and that our own Republic—the United States of America, which we all love so well, for which we would live, or would dare to die, is itself the great character to personate the kingdom of the Stone, that adamantine power based upon self government, which is to break in pieces and consume all other kingdoms or forms of government.

It will also be observed that if this view be correct, the Star of Empire in its westward course during the progress of the five acts or parts of this political drama will have just completed the circuit of the globe. All that is left to make the cycle complete is China and Japan. And even they are startled from their sleep of ages by the magic touch of our republic. Behold what Japan is now doing. But I can detain you no longer.

This dream of the ages covers all continents and all human governments. This vision was the vision of no priest; the vision of no prophet. It was the vision of a statesman, a statesman and a ruler, perhaps greater than Alexander, or Caesar, or Napoleon, or Washington. It was a vision of man's political history, of his condition in this world,—in his present state of

existence. It was in no sense a vision of man's eternal state, or condition beyond the grave.

That vision was interpreted by the prophet, and by the greatest of the prophets, who speaking, as he was inspired, of this Republic, declared: "It shall stand forever, and the dream is certain and the interpretation sure."

I understand this declaration, "it shall stand forever," to mean that it shall be the last form of government for man upon the earth. It does not refer to his government in Heaven, but to man's government while here in his earthly and mortal state, and what the prophet declares is this: While the earth shall exist, in its present form, the abode of mortal men like ourselves, this form of government, this system of Republican self-government, where the kingdom shall not be left to others, but where the people shall govern themselves, is the highest and best government of which man, in his most advanced states, is capable, and that it shall be the last, and shall be perpetual. And that this Republic shall stand while the world stands, the light and example of nations, and in that sense shall stand FOREVER.

Where Socialism Failed

THE STORY OF THE SOCIALIST COLONY IN PARAGUAY, SOUTH AMERICA

BY F. G. R. GORDON

Fred G. R. Gordon, student, writer and lecturer on economic problems, was born in Walden, Vt., Sept. 4, 1860. He was self-educated. Went to work as a bread-winner at the age of 13. In 1878 he joined the Greenback Party. Was a member for several years of the Knights of Labor. Was a member of the Nationalist Club of Boston. In 1895 he was elected secretary of the shoe workers' convention, which founded the present Boot & Shoe Makers' Union. In 1897 he became a member of the Social Democracy, but soon found that he did not agree with its platform and tactics. For several months he was an associate editor of the *Appeal to Reason*. In 1902 he started the first anti-Socialist newspaper in America, *The Million*, and conducted the campaign against the Socialist Party, in Haverhill, Brockton and Massachusetts in general. The Socialists were defeated with a loss of most of their officials and a loss of 10,000 votes in the state. He has written more extensively for newspapers and magazines, in opposition to Socialism and public ownership, than any other American. He was appointed as a special U. S. immigrant inspector in 1908 and served in that office until 1913. He has written and lectured extensively on the problems of Immigration.

KARL MARX the founder of modern Socialism said: "We shall have deserved well of it (Socialism) if we stir up hatred and contempt against all existing institutions. We make war against all prevailing ideas of the State, of Country, of Patriotism. The idea of God is the keystone of a perverted civilization. It must be destroyed. The root of liberty, equality and culture is atheism." So said the greatest of socialists.

In 1893 William Land, a brilliant journalist of Australia, who for several years had been the Karl Marx of that country, migrated with a band of chosen socialists to Paraguay, South America, to carry out the ideal of practical Socialism, far removed from capitalism. Lane was born in Canada and migrated to Queensland where for several years he devoted him-

self to the interests of labor and Socialism. He organized the "New Australian Co-operative Settlement Association." As editor of *The Boomerang* and later of "*The Worker*," he wielded a tremendous influence. He adopted as his motto: "Socialism in Our Time." He constantly preached that "Labor is a mere commodity." He said over and over this: "Yet Labor alone produces wealth. There can be no justice until Labor can work, without asking leave of any and without paying profit to any * * *. This ownership, which causes misery and vice and poverty and wretchedness unspeakable, all the social evils from which you suffer and from which the world suffers, is a veritable sin. We have lived wickedly in taking part in a system which is wicked and sinful, which is brutish, not human, selfish not loving."

Under the lead of Lane a great strike took place throughout Australia and New Zealand in 1891. This was the most tremendous labor battle, considering the size of the countries, that ever took place in an industrial country. It was responsible for the great financial disaster which followed it in 1892-3 when the Australian banks, with liabilities of more than \$650,000,000 suspended payments. Trade and commerce throughout Australia and New Zealand was paralyzed. The trade unionists lost \$10,000,000 in wages and all their funds, which were large. It was this gigantic strike and its total failure that caused Lane to adopt the method of colonization in Paraguay. And he forthwith commenced to build his association for the "New Australia" as the colony was to be called. He sent three commissioners to Dr. V. V. Lopez, Foreign Minister, and General Gonzales, President of Paraguay. Paraguay had for many years practiced a sort of Communism, and therefore the officials received the commissioners with open arms. After some negotiation 100 leagues of land, that is 450,000 acres, was granted absolutely free. The colonists were allowed to import free of duty, whatever they wished and there was to be no taxation for many years. They were granted local autonomy and were to be responsible to no one save the General Government. The only condition imposed upon the Socialists was that they must settle 800 families on the land within four years. In addition to this the

Government of Paraguay expended \$450,000 to buy out some settlers who were located upon the grant, in order that the socialists might have a clear and absolute proprietorship with no interference from anyone throughout this vast tract of 450,000 acres of land. Moreover, this land was of the first quality for general farming or grazing; a fertile land well watered and well situated.

If there was any virtue in co-operative working and living with Socialism and Socialist comradeship as the ideal, this colony ought to have been a howling success. When the three commissioners returned they consulted with Lane and other leaders and then issued the following report:

“It is the best watered country we have ever seen, being watered by running streams as clear as crystal, which run all the year round. It is heavily timbered, with enough clear land for pasturage. The forest land is very fertile. It is possible to raise crops of some kind during all seasons of the year.

A great deal of the timber cleared would be useful and saleable at once. We will thus be sure of a certain remuneration for the labor of clearing. We think that an acre cleared in Paraguay will produce as much as two in most other countries. We think it is unsurpassed for growing capabilities, as everything put in seems to thrive without any extra trouble. We have rail and water at our door. Foreigners are protected by their nationality from any military conscription. We feel confident that with enough capital to land sufficient tools and food to keep up, say for 18 months, it will only be sheer laziness if we don't prosper, and starvation is impossible.” Each man joining had to pay down \$250 and an additional \$50 before going to the new Co-operative Commonwealth. Women were not required to pay anything, but if a man had more than the \$300 he must throw it into the common fund. Lane himself put in \$5,000 and several others threw in \$2,000 each and a total of \$150,000 was raised in a very short time.

The government of “New Australia” was to be a communistic ownership of land, tools, and in a word all the means of production and exchange, so far as the colony was concerned. It was

provided that prohibition should prevail and female suffrage was granted with absolute equality of both sexes in everything. The Association voted not to recognize religion. Lane himself was an atheist as were most of his followers. They engaged a ship, the "*Royal Tar*" and set sail for their new world with 241 enthusiastic comrades. Although Lane was an atheist he refused to go as far as the declaration of the Socialistic Alliance of Geneva whose platform declared: "The Alliance declares itself atheist, it demands the abolition of marriage as far as it is a political, religious, jurisdicial, or civil institution." Lane believed in marriage and he also believed in communism. Lamartine, the historian had said: "Communism of goods leads as a necessary consequence to communism of wives, children and parents." Deep in his heart Lane knew that he must guard against the evils which had destroyed more than one socialistic colony. One of the quoted sayings of August Babel and believed most thoroughly by millions of socialist converts the world over is this: "It is evident that, labor thus organized (that is organized co-operatively) on principles of perfect freedom and democratic equality, in which one represents all, and all one, must awake the highest sense of solidarity and a spirit of cheerful activity, and call forth a degree of emulation such as is nowhere to be found in the present industrial system."

But "New Australia" went a long ways to prove just the contrary. At the beginning the colonists established the trade union eight hour day. But their greatest difficulty at the beginning was the allotment of labor. It was natural that nearly all wished to have the soft jobs. It was more pleasant to play in the band, (and they had established a band of 36 pieces), than it was to clear the forest. Now, Lane had honestly believed that with the escape from capitalism and its influences his people would show a spirit of brotherhood of mankind. Instead of this he found acrimonious disputes, wrangling and fighting, that he was charged with showing favoritism to certain of his comrades, and the foremen were also charged with the same offence. He soon found that the evils of which he had so bitterly complained of in a "hell of capitalism," existed right there in his "Socialistic Paradise," and like Diaz of Mexico, he decided that a

benevolent despotism was the only thing that would do, and he proceeded to carry out this idea. He soon came to be known as "King Billy." He had secured proxies from Australia which with the help of his friends, secured control. He proceeded to break the Constitution of the colony, first by banishing three of his comrades who had broken one of his pet rules. He even called in the soldiers of the capitalistic government of Paraguay to aid in expelling the three men from the colony. In a word he became a dictator.

Dissatisfaction was the rule. Children became the care of the community and they received an allowance according to age. This figured out in a curious way as this illustration will show: A man and his wife with three daughters aged 18, 16 and 2, and two sons aged 12 and 6 would receive from the colony the sum of \$3.60 a week in the form of food, clothing, etc., from the common stock. On the other hand five bachelors each able to do a full day's labor would receive only \$3.65 for their combined labor for a full week. This could have only one result and one of the colonists tells what it was. Mr. A. MacDonald wrote:

"There is not a person who could honestly tell you that he has not degenerated under these conditions. Communism certainly renders people more selfish. At the general dining table each has his private bottle of treacle, which he stows away between meals under his pillows or elsewhere as best he can; while quite a number carry their utensils to and from the table with them. Knives and forks have an amazing faculty for disappearing in a communistic settlement."

The very fact that the lazy and incompetent were to share equally with the hard working and thrifty members simply paralyzed the energies of all. In the meantime Lane had got into a great row and had with some of his followers seceded and founded another socialistic colony. Soon both colonies came to want, to live on short rations, their money was all gone. For two weeks the colony had nothing to eat but unsalted beans. With Lane out of "New Australia" the colonists were no longer in dreamland. They saw that there was nothing to be gained by an adherence to communism, so at a public meeting they voted to change the Constitution. With the change came at once a

new and a better feeling, an ambition and an incentive was given because hereafter every man was to enjoy the fruit of his labor.

The poet Elliott says:

“What is Communism? One who has yearnings
For equal division of unequal earnings.
An idler or bungler, or both he is willing
To fork out his penny—and pocket your shilling!”

Says Stewart Graham the author of “The Paraguayan Fiasco”:

“A blight seemed to descend upon everything managed by the community, and the children proved no exception to the rule. Deliberately cut off from the softening influences of religion, and brought up to ignore all distinction of age or sex, it was natural for them to seek always their own pleasure and ride roughshod over the old and infirm. Untaught and unrestrained, the neglected children seemed doomed to suffer all their lives for the follies of their parents. This was perhaps the saddest aspect of the ‘New Australia’ fiasco.”

With Socialism gone from the colony of New Australia, Frederick Kidd was sent to the capital, Asuncion, to interview the Government. The Government agreed to withdraw the original grant and give the colonists 25 square miles on which they were then settled, and the land was divided so that each man could select for himself sixty squares of land with title deeds given.

Having secured grants somewhat upon the same basis as our own homestead laws, these colonists being free from the curse of Socialism became ambitious to do for themselves. Some of them obtained employment on the railways and in the butchering establishments of Argentina, saving their money and improving their lands. They have made a fine success. Several of these former Socialist comrades are now wealthy farmers. Their children are educated. A church was established and a majority of the former men and women who had been taught to hate the church are now church goers. *One hundred and thirty-one of the colonists remained and every one of them has made a*

success, where before under the Socialistic regime they all made a huge failure. Many of these free farmers now own from 100 to 600 head of cattle with good houses, machinery, etc. On the other hand those who with Lane seceded and established a new Socialistic colony, have made no success. For a while the new colony existed, but with a growing discontent and misery.

Each year things became worse. Lane and his brother abandoned the colony and Lane himself returned to New Zealand, where he took up newspaper work. The last report show that they were hopelessly in debt, with everything mortgaged. A most miserable unhappy discontented set of Socialists who would and are fleeing to what they call "a hell on earth" as rapidly as they can. These misguided followers of Socialistic teachings have done one thing and one thing only, they have taught the world that *Socialism in practice means mismanagement, discontent, starvation, misery, indolence, the loss of self-respect and an athletic heathenism.*

History of the Mormon Church

BY BRIGHAM H. ROBERTS, Assistant Historian of the Church

CHAPTER XCIII

THE ENTRANCE OF GOVERNOR CUMMING INTO SALT LAKE CITY UNACCOMPANIED BY UNITED STATES TROOPS—THE CONTINU- ATION OF THE “MOVE SOUTH”—DEPARTURE OF COLONEL KANE FOR THE EAST

AN express bringing the word that Governor Cumming was on his way to Salt Lake City without a military escort, to assume the duties of his office, arrived in Salt Lake City on the evening of the 8th of April.¹ On the 9th an informal council meeting was held by several leading brethren, in President Young's office. Elders Geo. A. Smith and D. H. Wells both expressed their dislike to having Alfred Cumming “become by any means Governor of the Territory in virtue of the laws of the United States, which he would do if he came here and was sworn into office. President Young said he did not care anything about it; the Lord would over-rule it for good which ever way it happened. He did not wish to see Governor Cumming unless he particularly desired an interview.”²

Col. Kane with Governor Cumming, as already stated, left Camp Scott on the 5th of April, for Salt Lake City. They had

1. Hist. Brigham Young Ms., 1858, pp. 337-8, Brigham Young, Jr. (Son of President Brigham Young, and later a member of the Apostle's Quorum, and Col. N. V. Jones), carried the express.

2. Hist. Brigham Young Ms., 1858, pp. 341-2. Later President Young said he hoped “the feeling of the people, when Governor came in, *would be cold enough to freeze peaches*; but he considered Col. Kane had performed a great feat in bringing in the Governor, and passing backward and forward to Johnston's camp” (*Id.*, p. 349).

one carriage, one wagon, and two attendants. The day following their departure from Camp Scott they met a small company of Mormon militia at Quaking Asp Hill, who conducted them to the military encampment at the head of Echo Canon. The journey through the canon was made in the night. At many points in the canyon the Utah militia had great bonfires burning, and met the Governor at three encampments in military order.³ At these camps Governor Cumming delivered addresses expressing the belief that the troubles of the people would soon be ended, and that "he hoped the day was near when the peaceable inhabitants of Utah, would be allowed to follow their peaceful vocations without having to lay in the mountains."⁴ The militia who heard these speeches noted the fact that the Governor's utterances at their camps were markedly different from the spirit of his proclamation of the 21st of November, addressed to the people of Utah Territory.⁵ The Governor himself afterwards expressed some anxiety as to these speeches, and great wonderment at his reception by the militia in Echo Canon. The illumination there, he said, in a conversation with a number of gentlemen in Salt Lake City on the day following his arrival, "outstripped any thing he had ever expected to see." Col. Kane said he never expected to see such a sight again. "The effect, could not be described."⁶ Cumming said he would be glad if

3. *Ibid*, p. 338.

4. *Ibid*, p. 337. It is of general repute that the Governor was a little imposed upon in his night journey through Echo Canon. In order to make as impressive an appearance of their forces as possible, as also, doubtless, to keep concealed the location and the nature of their "fortifications" in the Canon, the journey of the Governor's party was made in the night. After the militia at the first campfire halt had been drawn up in form and solemnly addressed by his Excellency, they were dismissed and hurried down to the second encampment to again solemnly receive the Governor in military array, and again hear his speech; again to cheer what he had to say about returning peace; and so again at the third encampment this performance was repeated. Stenhouse, who makes too much of the incident, states that when the Governor discovered the trick played upon him, "he was ever afterwards unpleasantly reticent when the affair was mentioned." He also says that Cumming held Brigham responsible for the mortifying joke (Rocky Mountain Saints, p. 390); but that is not likely, since Brigham Young did not know of the Governor's advent into the Mormon camps in time to plan it.

5. "His speech, to a great extent, repudiated his last winter's Proclamation." Hist. Brigham Young, *Ms.*, 1858, p. 337.

6. Hist. Brigham Young, entry for April 13, *Ms.* 1858, p. 358. Stenhouse makes the following attempt at description of the illuminations: "From one end of the canon to the other, great fires could be seen at night on the hillsides and on the mountain-tops, representing the works and bivouacks of a great army, while the

“a sketch of his reception at Quaking Asp Hill could be taken. The illumination could not be.” “On finding himself in Echo Canon the Governor said he did not know what to think. He was surrounded by armed soldiers, who on his arrival presented arms in honor of his coming: he said he did not know what to do: but he delivered a speech, and he did not know but what he had committed himself. Col. Kane assured him his speech was a happy effort, *for an extemporaneous address.*”

At the mouth of Echo Canon Col. Kane detained the Governor by a day's shooting; and further down the Weber, at the camp of Ben Simons, the Cherokee Indian trader and interpreter, another day was spent in shooting. By express Col. Kane sent word to President Young that he expected to arrive in Salt Lake City with the Governor on Monday, the 12th of April. Undoubtedly the delay *en route* was meant to kill time in order to give opportunity for the Church leaders and the people to adjust themselves to the new situation created by Governor Cumming consenting to come among them without a military escort, to assume the duties of his office.

The snow was still so deep on Big Mountain, over which the road usually traveled into Salt Lake Valley passed, that it was decided to bring the governor through Weber Canon *via* Farmington to Salt Lake City. “At the mouth of Weber Canon the Farmington guards, mounted and in uniform, met him. On his reaching the court house (in Farmington) the band played ‘The Star Spangled Banner.’ Sunday evening he stopped at Judson Stoddards. Monday morning he was visited by the Farmington band in carriages: they played ‘Hail Columbia,’ ‘Yankee Doodle,’ the ‘Star Spangled Banner,’ and other national airs. Cumming made a speech, remarking that he was astonished at such

lurid flames of the pine-tree fires rendered the darkness still more impressive, and conveyed to the bewildered Governor the idea that near at hand there was a mighty host under arms. The military chieftains managed to keep his Excellency in a continued strain of feverish expectation. At every important bend of the road the Governor and his escort would be suddenly challenged by the pickets, and the countersign demanded. On one occasion there was a call to arms, and a mock effort at hostility, but some of the principal officers arrived just in time to save his Excellency's life, and to call off the pugnacious militia, and hinder them from taking him prisoner!” (The Rocky Mountain Saints, p. 390).

attachment for national airs, he believed it could not be feigned."⁸

It was a strange view, however, that met the eyes of Governor Cumming on his journey the next day through Davis County towards Salt Lake City. The road was thronged with people from the northern settlements moving southward, their wagons loaded with provisions and household effects, while loose cattle, horses, sheep, even pigs were driven in droves before them. They were leaving their homes at the call of their Prophet upon another Hegira—this time not only into a wilderness, but into a desert. But they were moving confidently, even cheerfully, leaving men in charge of their deserted homes with orders to lay them waste by applying the torch to every thing that would burn, and the ax to every shrub and tree that had been planted, in order to leave the settled valleys of Utah a blackened, treeless waste, giving them back to desolation—a protest against the injustice of forcing upon an American community officers whom they had no voice in selecting; and, from their view point, dra-gooned upon them by military power; a protest against the violation of the American principle that governments derive their just powers from the consent of the governed; a protest—again from their view point—since popular conception of the purpose of the Utah Expedition was that it should suppress the Mormon marriage system⁹—a protest, therefore, against the interference of the secular authority with the freedom of religion.

At the Hot Springs, three miles north of the corporation limits, the Governor's party was met by the Mayor, Aldermen and some of the Councilmen, of Salt Lake City; and by them Governor Cumming was escorted to the lodgings secured for him at the home of W. C. Staines, where the party arrived about 11 a. m., the Mayor riding with the Governor.

The day following his arrival Governor Cumming expressed a desire for President Young to call upon him; and accordingly, about four in the afternoon, in company with Geo. A. Smith, the now Ex-Governor of Utah called upon his successor. Heber C.

8. Report of Gen. W. H. Kimball to Pres. Young. Hist. Brigham Young, *Ms.*, entry for 15th April, 1858, pp. 365-6.

9. See N. Y. *Tribune* editorial of Jan. 30th, 1858; this History, Chap. XCI, Note 2.

Kimball joined the party later. They were introduced by Col. Kane. The conversation for the most part was on common-places—the “beauty of the valley,” “the improvements,” “the fruit,” some of which the Governor had tasted, as Col. Kane had taken a few apples with him into Camp Scott. Governor Cumming spoke of his satisfaction at the arrangement made for his reception by Col. Wm. H. Kimball at the Echo Canon camps. Only once did the conversation approach the question which both the present and the former governor of Utah knew was inevitable. This was near the close of the interview. Ex-Governor Young asked Governor Cumming to take a ride with him through the city and view the improvements. Cumming replied that he would do so in a few days, after he was rested. The Ex-Governor remarked to Cumming, perhaps quizzically, that if he had only come in last fall he would have been made more comfortable. Doubtless the vision of that winter in Camp Scott and all its discomforts and dangers rose before the mind of the ease-loving Governor of Utah as he declared in answer to the above remark, that he had “*a crow to pick with Governor Young in relation to that.*” Ex-Governor Young replied that as he (Young) was a preacher, he would give him a text to consider for that event; and this was the text: “The people who know me best, love me best.” Upon which Col. Kane exclaimed: “That is not only a text, but a sermon.” Thus the first interview closed.¹⁰

10. It will be of interest to note, parenthetically, some of the “asides” and impressions on both parties to this first interview. The day following the arrival of Governor Cumming, Col. Kane when calling upon President Young remarked that “he [Kane] had caught the fish, now you can cook it as you have a mind to.” (Hist. Brigham Young, *Ms.*, entry of April 13, 1858, p. 357). “Geo. A. Smith’s first impression when he saw Cumming was that he was a toper,” says our chronicle; “but examining him with his glasses, he concluded he was a moderate drinker and a hearty eater. He was well dressed, in black, had a ruddy face and grey hair. His head was small around the top; * * * his probable weight about 240 lbs.” (Hist. Brigham Young, *Ms.*, entry for 13th April, 1858, p. 359). Through remarks of Col. Kane to Gen. Wm. H. Kimball the brethren learned the impressions that his visitors of the 13th of April made upon Governor Cumming, who prided himself on being something of an adept in physiognomy: “Governor Young was a man of lamb-like disposition, and possessed a superior brain—a mind capable of grasping anything. President Kimball was a fierce, brave, unflinching, unchangeable man, and more to be dreaded than any of the others; fine, determined temperament, and a very fine man: and if any of them needed hanging, it would be he. Geo. A. Smith possessed an unaccountable memory, would make an excellent historian, and a number one politician if he had a chance. They were three exceedingly fine, intellectual men, and he had been deceived in what he had heard of them. He liked them.”—*Ibid.*

This first interview was followed the next day by a strictly private one between the two governors, the only other person present being Colonel Kane. In this interview Governor Cumming asked twice for Ex-Governor Young's office—i. e. his office room. Colonel Kane explained that Ex-Governor Young's office was part of his private residence. President Young was not well impressed with the intentions of Governor Cumming. Relating the incidents of this private interview to Geo. A. Smith, President Young said the Governor "came pretty near commanding me to forbid the people leaving their homes"; saying, "there would be nobody left here but renegades who followed the army for juries."¹¹ The conversation turned upon the illegality of the Post Office Department stopping the mail, which Cumming did not attempt to defend; upon the change of conduct on the part of the Indians: for some time said President Young, the people in Utah had lived in peace with the natives, now they come to their homes and draw their bows upon the women and say that the Mormons are squaws, and will not fight; but that the soldiers will fight and kill all the Mormons. The operations of Dr. Hurt in the Uinta Valley was alluded to, and the statement by the Indians that they had been offered \$150 a piece for Mormons was repeated. "It ain't possible," said Governor Cumming. "It will not be easy to make the people believe anything else," replied Ex-Governor Young. Cumming at the close of the interview agreed to let the Ex-Governor see his private instructions.¹²

Governor Cumming however must have thought that he was making progress in the matter of bringing order out of the chaotic state of Utah affairs, since on the 15th of April he wrote to Col. Johnston detailing the incidents of his journey to Salt Lake City, in the course of which he said:

"I have been every where recognized as the Governor of Utah; and so far from having encountered insults and indignities, I am gratified in being able to state to you that in passing through

11. Hist. Brigham Young, *Ms.*, entry for April 14th, 1858, p. 361. The President expressed himself as "fully satisfied, by the talk he had with Cumming that he desired the destruction of the Saints." *Id.*

12. *Ibid.*, pp. 361-3.

the settlements, I have been universally greeted with such respectful attentions as are due to the representative of the executive authority of the United States in the Territory.”

The Governor also reported that Ex-Governor Brigham Young had paid him “a call of ceremony;” that at subsequent interviews the Ex-Governor had evinced a willingness to afford him every facility which he might require for the efficient performance of his administrative duties. “His course, in this respect,” said the communication, “meets, I fancy, with the approval of a majority of this community.” “The Territorial seal with other public property,” continued the Governor, “has been tendered to me by William H. Hooper, Esq., late acting secretary *pro tem.*” He had not yet examined the subject critically, but he apprehended that the records of the U. S. courts, Territorial library, and other public property remain unimpaired. “Having entered upon the performance of my official duties in this city,” said the Governor, “it is probable that I will be detained for some days in this part of the Territory.” In conclusion the Governor presents the charges of inciting the Indians to acts of hostilities against the people of Utah, by officers and agents of the Expedition, and informs the Colonel commanding at Camp Scott that he may be compelled to make a requisition upon him for a sufficient force to chastise these Indians, as he desired to avoid calling upon the Territorial militia; and notes that the charges against the officers and agents of the expedition call for investigation.¹³ Accompanying the above communication was another offer by Brigham Young of supplies of provisions for the army, tendered through Governor Cumming. The offer brought forth no response from the Colonel commanding; the communication making the tender was, however, countersigned by the Asst. Adjut. Gen., F. J. Porter, and entered with the official documents of the Expedition.¹⁴

13. House Ex. Doc. 35th Cong., 2d Sess., Vol. II, Pt. II, pp. 72-3.

14. The tender of supplies was as follows:

“GREAT SALT LAKE CITY, April 16, 1858.

SIR:—Learning that you propose sending an express to Colonel Johnston's camp, I avail myself of the opportunity of proffering, through your excellency, to Colonel Johnston and the army under his command, inasmuch as they are sup-

While this much of progress was made, the move south by the people was in progress. Daily the streets of Salt Lake were thronged with wagons and stock bent on this strange Hegira. On the 15th of April, Albert Carrington, editor of the *Deseret News* was instructed by President Young, after two more issues of the paper, to move the printing establishment to Fillmore, and publish the paper from there; then a month later, from Parowan—still further south—and this without offering any explanation or apology for thus being, practically, a publishing house on wheels.¹⁵

At the Historian's office the Church records, papers, and books were securely packed in boxes and shipped south to Provo, where an Historian's Office was improvised, in the counting room of the Music Hall.¹⁶ The caching of wheat and the other grains went steadily on in various places. Teams came up from the south to move the tithing grain to places where it would be securely cached. Governor Cumming was much distressed and puzzled over the evident determination of the people to leave their homes, deliberate arrangements for the destruction of which had been made in the event of the army moving in the direction of Salt Lake valley from its winter quarters at Camp Scott.

In the midst of these conditions the health of Brigham Young was precarious. On the 20th of April there were some symptoms of apoplexy,¹⁷ but he soon recovered. Consultations between Governor Cumming and leading churchmen and civil offi-

posed to be measurably destitute, such supplies of provisions as we have, and they may need, prior to the arrival of such supplies from the east.

Trusting that you will appreciate the sincerity of the motives prompting this courtesy, I have the honor to be, very respectfully,

[Signed] BRIGHAM YOUNG.

His Excellency, Governor A. Cumming.

Headquarters, Department of Utah,
Camp Scott, Utah Territory, May 28, 1858.

F. J. PORTER,

Assistant Adjutant General.

Official.

(House Ex. Doc. 35th Cong., 2d Sess., Vol. II, Pt. II, No. 30, p. 91.)

15. Hist. of Brigham Young, *Ms.*, entry for 15th April, 1858, p. 366. The *News* was accordingly printed from Fillmore beginning on the 5th of May. Eighteen weekly numbers were issued from Fillmore, the last bearing date of Sept. 1st, 1858. The *News* then returned to Salt Lake City. There arose no necessity to move it to Parowan.

16. Hist. Brigham Young, *Ms.*, 1858, p. 428.

17. Hist. Brigham Young, *Ms.*, entry for 20th and 21st of April, pp. 422-3.

cers and lawyers were frequent. The Governor was given the opportunity to examine the court records and expressed his astonishment that they were not burned. With Colonel Kane he visited the Utah Library and with equal astonishment found that it had not been destroyed as reported. Assisted by Col. Kane and W. C. Staines, the latter the State Librarian, he took an inventory of the books and ascertained that they were all there. He called upon Captain W. H. Hooper and inquired about the safe belonging to the secretary of the Territory. From his house the Captain took the Governor over two high fences at the back of his premises into his barn, where he presented the government safe. To the Governor's inquiry as to why he kept the safe in such an out of the way place, Hooper replied: "We were going to burn the city shortly, and did not want to burn any U. S. property"! James W. Cumming showed the Governor the records of the U. S. District Court; whereupon the Governor gave Cumming an order—styling him Clerk of the U. S. District Court—on W. H. Hooper, Secretary *pro tem* of the Territory, for a safe in which to keep the court papers and records—"thereby recognizing Hooper and Cumming," says the chronicle, "the former as Secretary of the Territory *pro tem*, and the other as clerk of the U. S. District Court."¹⁸ It was upon the facts ascertained in this investigation that Governor Cumming in his report of the 2nd of May, to Mr. Cass, Secretary of State, could say:

"Since my arrival I have been employed in examining the records of the supreme and district courts which I am now prepared to report upon as being perfect and unimpaired. This will doubtless be acceptable information to those who have entertained an impression to the contrary. I have also examined the legislative records and other books belonging to the office of the Secretary of State, which are in perfect preservation. I believe that the books and charts, stationery, and other property appertaining to the surveyor general's office will, upon examination, be found in their proper place, except some instruments which are supposed to have been disposed of by a person who was temporarily in charge of the office. The condition of the large and valuable territorial library has also commanded my attention,

18. Hist. Brigham Young, *Ms.*, entry 19th of April, 1858, pp. 396-7.

and I am pleased in being able to report that Mr. W. C. Staines, the librarian, has kept the books and records in most excellent condition.'''¹⁹

In one of the many interviews between Governor Cumming and leading churchmen, Daniel H. Wells, of the First Presidency, informed the latter that the people had resolved not to be governed by officers sustained by bayonets, and suggest that without resigning his office, Cumming go right back to Washington and get Utah admitted as a state, "as the only alternative to prevent collision and blood shed. Cumming answered that they would ridicule him should he go back; but he fancied," says the record of the conversation, "the day would come when he would be our senator.'''^{19½}

On the same occasion Gen. Wells asked Governor Cumming if indictments had not been found by Judge Eckles against Presidents Young and Kimball at Camp Scott. The Governor replied in the affirmative. General Wells reminded the Governor

19. House Ex. Doc. 35th Cong., 2d Sess., Vol. II, Pt. II, pp. 93-4. Some time afterwards, to wit, in the month of September, 1858, a correspondent in Salt Lake City for the *San Francisco Evening Bulletin* reported that the Utah public records were all in confusion, notwithstanding Governor Cumming's report to the contrary as above, to the Secretary of State. Alleged defects of the records both in the United States District courts at Salt Lake City, and also in the records in the Territorial Secretary's office, are alleged, followed with this statement of the correspondent: "How Governor Cumming in view of these facts was able to reconcile his conscience to his report that these records are in a perfect state of preservation, I cannot tell you." "I do not believe him capable of deliberate prevarication," the correspondent adds, "and yet it is difficult to explain his report on any other theory." It was also charged that some of the records of the Supreme Court Clerk's office had been seized by Brigham Young "during the rebellion and had not been restored." This *Bulletin* article greatly angered Governor Cumming and he proceeded to vindicate his report to Mr. Cass, Secretary of State, by an itemized statement of the journal and bar docket of the first and third judicial district courts, from 1851 to 1857; and had the completeness of them certified to by Henry Cabot and Kirk Anderson, who made the examination and itemized the records, and had it countersigned by John Harnett, secretary of the Territory, and P. K. Dotson, marshal, who were present when the examination was made. The same as to the books and records in the office of the Secretary of the Territory; so also in relation to the legislative records. John G. Lynch, Clerk of the Supreme Court, certified under date of Oct. 25th, to the completeness of the records from 1851, when the court was organized, to 14th of March, 1857, being the last day of said court, all which records "complete and in good condition he received from his predecessor." In the signed statement by Harnett and Dotson it is also said: "If the personal or official veracity of his Excellency may, in any way, have been questioned in this matter, we unhesitatingly pronounce it most unjust, and so certify to the country." The letter to the *Bulletin*, and all the papers certifying to the correctness of Governor Cumming's report to Sec. Cass, will be found in *Deseret News* for Oct. 27, 1858.

19½. Hist. of Brigham Young, *Ms.*, entry for 20th April, 1858, pp. 422-3.

of the fate that had overtaken Joseph and Hyrum Smith, when they went to Carthage, Illinois, and sternly said that Brigham Young and Heber C. Kimball were not going to Camp Scott. "Cumming did not feel inclined to talk upon the subject."²⁰

On Sunday the 25th a public meeting was held at the Old Tabernacle, in Salt Lake City, which Governor Cumming attended, and addressed the people, being introduced to the assembly by President Young as the Governor of Utah. The following is the Governor's account of his remarks at that meeting:

"My presence at the meeting in the Tabernacle will be remembered by me as an occasion of intense interest. Between three and four thousand persons were assembled for the purpose of public worship; the hall was crowded to overflowing; but the most profound quiet was observed when I appeared. President Brigham Young introduced me by name as the governor of Utah, and I addressed the audience from 'the stand.' I informed them that I had come among them to vindicate the national sovereignty; that it was my duty to secure the supremacy of the Constitution and the laws; that I had taken my oath of office to exact an unconditional submission on their part to the dictates of the law. I was not interrupted. In a discourse of about thirty minutes' duration I touched (as I thought best) boldly upon the leading questions at issue between them and the general government. I remembered that I had to deal with men embittered by the remembrance and recital of many real, and some imaginary wrongs, but did not think it wise to withhold from them the entire truth. They listened respectfully to all that I had to say, approvingly even, I fancied, when I explained to them what I intended should be the character of my administration; in fact, the whole manner of the people was calm, betokening no consciousness of having done wrong, but rather, as it were, indicating a conviction that they had done their duty to their religion and their country. I have observed

20. *Ibid*, p. 423. Later—early in May—copies of indictments "of the court held in Johnston's Camp" were printed. The indictments "include the Presidency, Editor of the *Deseret News*, and a thousand others whose names were unknown to the jury." The account also states that "on receiving the resolutions of the Legislative Assembly (referred to in Chapter XCI), a special term of the grand jury was called for the purpose of indicting every member and officer who signed them for high treason." Efforts were made also to indict Hon. John Bernhisel, the Delegate to Congress (*Ibid*, p. 474). Cumming asked Gen. Wells on the occasion of the above interview about two men detained here [i. e. S. L. City] as spies, one of whom is said to be of some importance in the 5th infantry, though he came here (S. L. City) in the capacity of teamster. Bro. Wells said the men could not go back to the army, but they might have gone on to California." *Id*.

that the Mormons profess to view the Constitution as the work of inspired men, and respond with readiness to appeals for its support."²¹

This report of the Governor's remarks when compared with the synopsis in the annals of the Church are not at radical variance. The report as it stands in the History of President Brigham Young *Ms.* is as follows:

"Gov. A. Cumming said he had been appointed by the President, with the consent of the Senate, to be the Governor of this Territory. It was true there was a large body of armed men on the frontier, but, they were not sent to destroy the Mormons, but to protect them from the lawless savage. He was sent to enforce the law. Said he would, in all future moves, consult with the gentlemen who had enjoyed our confidence. He and the officers had nothing to do with our social and religious views; we had the right to serve God, in any way we pleased. Did not expect his would be a path of roses; but expected opposition by some misguided men. Requested the brethren, if they saw him go a little astray, not to treat him harshly, but to counsel with him, as a friend."²²

It had been reported to Governor Cumming that there were people detained in Utah against their will, whereupon the Governor at the above named meeting had the following notice read:

NOTICE.

"It has been reported to me that there are persons residing in this and in other parts of the Territory who are illegally restrained of their liberty. It is therefore proper that I should announce that I assume the protection of all such persons, if any there be, and request that they will communicate to me their names and places of residence under seal, through Mr. Fay Worthen, or to me in person during my stay in the city."

A. CUMMING,
Governor of Utah Territory.

He afterwards reported to the Secretary of State that up to the 2nd of May he had kept his office open at all hours of the day and night and had registered "fifty-six men, thirty-three women, and seventy-one children," as desirous of his protection

21. From a Report to Hon. Lewis Cass, Secretary of State, Washington, D. C., under date of May 2d, 1858. House Ex. Doc. 35th Cong., 2d Sess., Vol. II, Pt. II, pp. 91-97.

22. Hist. Brigham Young, *Ms.*, entry for 25th April, 1858, p. 436.

and assistance in proceeding to the states. "The large majority of these people are of English birth, and state that they leave the congregation from a desire to improve their circumstances, and realize elsewhere more money by their labor." Not because they were, or had been—let it be noted—abused by their co-religionists, or restrained of their freedom; but to better their industrial condition, which was quite beside the causes which were supposed to have called forth the Governor's "notice," offering to assist those alleged to be restrained of their freedom. "Certain leading men among the Mormons," continues the Governor's account of this matter, "have promised to furnish them flour, and assist them in leaving the country."²³

Governor Cumming at the aforesaid meeting suggested that if any were present who were inclined to address the meeting on topics of interest to the community he would like to hear them—seeking doubtless by this means an expression of public sentiment. "This invitation," he reports, "brought forth in succession several powerful speakers who evidently exercised great influence over the masses of the people."²⁴

Among these several speakers, and chiefly, were Elders Gilbert Clements and John Taylor. The speeches covered a wide

23. Cumming's Report to Cass. House Ex. Doc. 35th Congress, 2d Sess., Vol. II, Pt. II, pp. 94-5. This notion that people were held in Utah against their will doubtless arose from remarks of President Young made in what we may call the early days of the "Utah War;" when, on the 13th day of Sept., 1857, Captain Van Vliet being present, and on the stand in the Tabernacle, President Young said: "I have told you that if this people will live their religion, all will be well; and I have told you that if there is any man or woman that is not willing to destroy anything and everything of their property that would be of use to an enemy, if left, I wanted them to go out of the Territory; and I again say so to-day; for when the time comes to burn and lay waste our improvements, if any man undertakes to shield his, he will be sheared down; for 'judgment will be laid to the line and righteousness to the plummet.' Now the faint-hearted can go in peace; but should that time come, they must not interfere. Before I will suffer what I have in times gone by, there shall not be one building, nor one foot of lumber, nor a stick, nor a tree, nor a particle of grass and hay, that will burn, left in reach of our enemies. I am sworn, if driven to extremity, to utterly lay waste, in the name of Israel's God." (Journal of Discourses, Vol. V, p. 232.) The number in the community that accepted the invitation of Governor Cumming to receive his special protection and assistance to leave the territory was small even when it represented, in large majority, those who were desirous to leave in order to "realize elsewhere more money for their labor," as well as those who thought themselves restrained of their liberty—eighty-nine in all, exclusive of their children. Those persons who called upon Governor Cumming "generally wished to see him alone; and their wants were a little tobacco, sugar, coffee, tea, etc. One man thought a thousand dollars would do to get him away from this place [i. e. Utah]!" Hist. of Brigham Young, *Ms.*, 1858, pp. 465-6.

24. Report to Secretary of State Cass, before cited, *Id.*, p. 95.

Indian Village



range of subjects. The persecutions of the Saints in the past, the injustice endured by non-interference in their behalf by those charged with the administration of the law; the discrimination against Utah in the matter of land pre-emption laws; the administration ignoring the selection of lists of officers from Utah for Territorial positions, the un-Americanism of dragooning upon an American community officers whom they had no voice in selecting, and who were declared to be, under all the circumstances, obnoxious to the people. "Let that army be removed and let an investigating committee come and diligently inquire into the cause of complaint," said Gilbert Clements, and he would say "that all would be well." "These troops" said Elder Taylor, must be withdrawn before we can have any officers palmed upon us." "We have never said we would not receive their officers," said Gilbert Clements, "but that we would not receive them at the point of the bayonet." Referring to Governor Cumming's claim that the army was in Utah for the protection of the people, the same speaker exclaimed—"why in the name of God did they not come when we were weak!" Governor Cumming parried these thrusts as best he could. The course of the Administration in the matter of appointing Territorial officers was the same in Utah as in other Territories. Other Territories, however, he was answered, had not the same crying necessity that Utah had for home rule; and had not sent in protests against the Washington appointments, with accompanying lists of local men—several for each office—from which the administration might choose, and which the petitioners begged and pleaded might be chosen; and in the event of it being impossible for these to be appointed, then in the name of American decency to "appoint *good men* to the offices." "The government had granted pre-emption rights to settlers in all the Territories but Utah," said John Taylor. "Not until the Indian title had been extinguished," replied Governor Cumming. "Why then has not the Indian title been extinguished in Utah?" retorted Taylor, to which there was no answer.

The meeting was quite spirited, not to say boisterous. Cumming reporting it to Secretary Cass says that the congregation became greatly excited and joined the speakers in their intemperate remarks, "exhibiting more frenzy than I had expected to

witness among a people who habitually exercised great self control." He adds:

"A speaker now represented the federal government as desirous of needlessly introducing the national troops into the Territory 'whether a necessity existed for their employment to support the civil officers or not,' and the wildest uproar ensued. I was fully confirmed in the opinion that this people, with their extraordinary religion and customs, would gladly encounter certain death than to be taxed with a submission to the military power, which they wrongfully consider to involve a loss of honor. In my first address I had informed them that they were entitled to a trial by their peers; that I had no intention of stationing the army in immediate contact with their settlements, and that the military *posse* would not be resorted to until other means of arrest had been tried and failed. I found the greatest difficulty in explaining these points, so great was the excitement. Eventually, however, the efforts of Brigham Young were successful in calming the tumult, and restoring order before the adjournment of the meeting."²⁵

Doubtless the part of President Young in the meeting astonished his own following. He reproved Elder John Taylor, saying "the matters which Brother Taylor wished to bring before the people he did not wish to hear; he had seen enough of them" —referring doubtless to events in Missouri and Illinois, which Elder Taylor had discussed. "He had been mortified to see the enthusiasm manifested here today. Said he had used his influence and powers of mind and reason to keep the people from doing that which they believed to be their imperative duty. He hoped and believed that all matters would be amicably adjusted, and we in peace again."²⁶ With this the meeting closed.

25. The full report of Governor Cumming to Secretary Cass will be found in House Ex. Doc. 35th Cong., 2d Sess., Vol. II, Pt. II, pp. 91-97.

26. Hist. Brigham Young, *Ms.*, entry 25th April, 1858, pp. 443-4. This meeting Stenhouse represents as "an understood thing;" that the participants were but acting the parts of seeming boisterousness and disorder; and represents that years afterwards Governor Cumming in conversation declared to him [Stenhouse] that "it was all humbug," and "all of a piece with the incidents of his passage through Echo Canon." (Rocky Mountain Saints, p. 393.) Stenhouse urges that such subterfuge was resorted to on the one hand to save Brigham Young from an appearance of personal submission to Gentile authority, and on the other to save President Buchanan from "the appearance of folly in the beginning, and weakness in the ending of the Utah Expedition" (*Id.*). Just how this was achieved by playing at boisterousness in this meeting is not very clear. Linn after presenting the Stenhouse view of the matter half skeptically remarks: "If all this was a piece of acting, arranged by Young to show his flock that he was making no abject surrender, it was well done." (Story of the Mormons, p. 509). On one point Governor Cumming

In the afternoon President Young addressed the meeting and expressed confidence that in the "present move of the Saints. * * * God would over rule for their good, and it would redound to his honor and glory." He "exhorted the brethren to be patient and let the Lord work. Said he did not think we were prepared to meet the blow, and therefore thought the Lord would arrest it for a time."²⁷

Meantime "The Move South" continued; hundreds of wagons daily thronged the highways, and the settlements of Utah county were crowded with south bound emigrants for an unknown destination. Governor Cumming made several journeys along this line of moving caravans between Provo and Salt Lake City, vainly pleading with the people to return to their homes. On one of these journeys from Provo to Salt Lake City, in company with Colonel Kane, he met four hundred wagons between Provo and Willow Creek (a small stream east of the settlement of Draper); and two hundred more between that point and Salt Lake City.²⁸ In a subsequent journey between Springville and Salt Lake City (May 6th), the same gentlemen met eight hundred teams *en route* south.²⁹ Cumming appealed to Brigham Young to know "if there was not some way to stop the moving. President Young replied that if the troops were withdrawn from

appeared extremely sensitive. One of the speakers (Clements) had inadvertently said that President Buchanan as a climax to his atrocities had appointed "a Missourian to govern the Mormons;" whereupon the Governor somewhat excited shouted that he was *no Missourian*—"I am a Georgian, Sir; a Georgian!" The speaker stood corrected. A line in one of the campfire verses of doggerel made the same mistake:

"Old Sam has sent I understand

Du dah!

A Missouri Ass to rule our land,

Du dah! Du dah day, etc."

Geo. A. Smith, the Church Historian, also believed up to the arrival of Cumming in Salt Lake City, that he was not only a Missourian, but one of the Jackson county mob. "I supposed from his name," said he in his speech before the Peace Commissioners, "he was one of the Jackson county mobbers. I have but recently learned that he is *not* the Cummin of the Jackson mob, but a gentleman from Georgia. From the first I heard of his appointment until I saw his face I held him in utter horror and detestation"—(Hist. of Brigham Young, *Ms.*, June, 1858, 647)—confounding him with one *Cummin*, an Indian agent at Independence, Jackson county, Missouri, whose name is signed with a number of others of the Jackson mob, to a manifesto against the Saints (see Journal Hist. of the Church, Vol. I, p. 376).

²⁷ Hist. Brigham Young, *Ms.*, 1858, pp. 445-6.

²⁸ *Ibid*, p. 475.

²⁹ *Ibid*, p. 490. "It made Governor Cumming feel bad to see the moving," says the Chronicle.

the Territory, the people would stop moving; but that ninety-nine out of every hundred of this people, would rather live out their lives in the mountains than endure the oppression the Federal government was now heaping upon them." Governor Cumming said "he would show Governor Young his reports to the government: and he would do all he could to prevent the troops from coming into the settlements, and more from coming into the Territory (the California mail had a few days before brought word that the government was about to send six thousand more troops to Utah); and if they would come in [i. e. in spite of his efforts] he would say to the people 'take care of yourselves'." ³⁰

At this outburst of feeling, so favorable to the people of Utah, President Young humorously remarked—"In that case you might as well join us and 'use them up' [i. e. the army]. Cumming answered he could not quite come that yet." ³¹

In the midst of these conditions Col. Kane received word of the death of his father, Judge John K. Kane, and felt the necessity of hastening his departure for the east. On the 4th of May, in an interview, Governor Cumming informed President Young of his intention to return to Camp Scott and bring in Mrs. Cumming. He would require the army to remain where it was until he got returns from the dispatches he had just prepared to send to Washington by Col. Kane, and if they refused to obey his orders, *he would call upon the militia of the Territory to see that they did.* ³²

This matter of the movement of the troops from Camp Scott to Salt Lake Valley was rapidly approaching a crisis. Spring had come; the road ways and canons would soon be relieved of snow-drifts and become passable. The cattle on Henry's Fork of Green river, guarded by Col. Cooke's dragoons, had thriven well, and from that quarter sufficient teams could be had to move two hundred wagons. The supply trains that had been parked during the winter at Fort Laramie were approaching Camp Scott, under Col. Hoffman's command. So, too, was Cap-

30. Hist. of Brigham Young, *Ms.*, entry for 30th April, pp. 469, 470.

35. *Ibid*, pp. 567-8.

32. *Ibid*, p. 475.

tain Marcy with 1,500 miles and horses he had collected during the winter in New Mexico, the herds being guarded by an escort of five companies of infantry and mounted riflemen. More than three thousand re-inforcements had concentrated at Fort Leavenworth and with abundant supply trains were prepared to march. Johnston himself had sent word to Governor Cumming of his intention to arrive in Salt Lake City on the first of June, and that he would "plant one [army post] in Salt Lake City, and another on Provo Bench."³³ Hence if any thing was to be done to head off this movement, and save the Territory from the threatened devastation by the people, it must be done at once.

On the 13th of May Governor Cumming and Col. Kane left Salt Lake City, the latter to continue his journey eastward with dispatches from Governor Cumming to the Administration, the former to bring in his wife and dissuade Johnston from taking up his march for Salt Lake City until he could receive answers from his dispatches to President Buchanan.

Before leaving the city Colonel Kane assured President Young, in conversation, that he approved of the course he and the Saints had taken, saying—"It is the cream of creams. You have taken the right course, and I want you to keep it; I would not have had you take any other course for anything." This President Young reported to a number of the brethren a few days after the departure of the Colonel for the east.³⁴ On the same occasion President Young also stated that Col. Kane had said that in conversation with President Buchanan on the eve of his [Kane's] starting for the west, he had told the President of the United States that "*as an American citizen he would make an apology for him to Governor Young, as it was due for not sending him a notice that he was going to send an army to Great Salt Lake City.*"³⁵

Referring to this and to the support of his policy by Col. Kane President Young said: "This is the reason why we have let the army alone. Kane said, 'I have feared all the time you would

33. *Ibid*, p. 500-1.

34. Hist. of Brigham Young, *Ms.*, entry for May 24th, 1858, p. 567-8. Also Woodruff's Journal, entry for 25th of May, 1858.

35. *Ibid*.

chew that whole army up'." ³⁶ President Young added "that General Sam Houston had it right when he said, 'if you [the U. S.] make war upon them [i. e. Mormons], *you will get awfully whipped*'." ³⁷

At Camp Scott, Kane was heartily disliked, and even hated. It was plain to be seen that if his efforts for reconciliation were successful, the army sent to Utah with so much pomp and circumstance, but which had suffered so much both of physical discomfort and humiliation of military pride, would have no opportunity of making conquest of the "wretched fanatics," by whom it had been placed at such disadvantage in the eyes of the country, and of the world. It was reported that two attempts were made upon the Colonel's life at Camp Scott, but what grounds existed for such report our annals do not disclose. ³⁸

The Colonel was accompanied by a special mounted escort of six men, selected by President Young, with reference to their experience as plainsmen, endurance, fidelity, and courage. Major Howard Egan was commander of the escort, of which John Mudock,—West, John Q. Knowlton,—Van Ettan, and—Worthington were the members. ³⁹

The overland journey from Fort Bridger to Florence, Nebraska, the "Winter Quarters" of previous years—was made in twenty-three days; and here, after entertaining them at dinner, where he expressed his gratitude for their attentions to, and their watchfulness over him, the Colonel separated from his

36. *Ibid.*, p. 568.

37. *Ibid.* Houston's speech will be found in Congressional Globe, 35th Congress, 1st Sess., Pt. I, pp. 873-5, 25th Feb., 1858. Houston said: "They [i. e. the Mormons] will fight; and if they fight he [Johnston] will get miserably whipped." For further comment by Senator Houston upon the probable results of a war with the "Mormons," see Note I, end of Chapter. Doubtless the Senator's views upon the advantages that he supposed were with the people of Utah, in the event of war, were extravagant; but they were shared by many other people, and it was to the advantage of the Saints that such was the case. Many others, and among them Colonel Johnston, held other views, and regarded the resistance that the people of Utah could make as not very formidable. Happily the issue of opinion thus joined, never came to trial.

38. Thomas Bullock writing from Chimney Rock,—some distance east of Fort Bridger,—while *en route* for Salt Lake City, wrote the editor of the *Millennial Star*, under date of 27th of May, as follows: * * * I understand that hell is at Fort Bridger, and we don't want to go there. The soldiers were as mad as devils when Col. Kane and his escort passed through their midst; and they have made two attempts to kill the Colonel, but have failed." *Mill. Star*, Vol. XX, p. 476.

39. *Mill. Star*, Vol. XX, p. 467. Murdock's Biographical Sketch—Tanner, 1909, Ch. VII.

escort, excepting Major Egan, who accompanied him to Washington, in order to bring return dispatches from the administration; his companions of the escort, meantime, awaiting his return at Florence.

NOTE 1: SENATOR SAM HOUSTON ON THE "UTAH WAR." "The more men you send to the Mormon war, the more you increase the difficulty. They have to be fed. For some sixteen hundred miles you have to transport provisions. The regiments sent there have found Fort Bridger and other places, as they approached them, heaps of ashes. They will find Salt Lake, if they ever reach it, a heap of ashes. They will find that they will have to fight against Russia and the Russians. Whoever goes there will meet the fate of Napoleon's army when he went to Moscow. Just as sure as we are now standing in the Senate, these people, if they fight at all, will fight desperately. They are defending their homes. They are fighting to prevent the execution of threats that have been made, which touch their hearths and their families; and depend upon it they will fight until every man perishes before he surrenders. That is not all. If they do not choose to go into conflict immediately, they will secure their women and children in the fastnesses of the mountains; they have provisions for two years, [an error] and they will carry on a guerilla warfare which will be most terrific to the troops you send there. * * * How long could they delay your army in that way? And when they arrived at Salt Lake, exhausted, worn down, without supplies and munitions, in what situation would they be to take to the mountains and to pursue these men in their fastnesses where ten men could resist a thousand? When the troops are in these canyons the rocks could be hurled down on them; and it could easily be done, for they are now in almost a quivering condition, and the least exertion will cast them down. With five hundred, or even fifty men, they could destroy an army of *ten thousand*, if they were in one of these gorges, and they chose to hurl down the rocks upon the troops. I am told there is a road for fifty miles which you have to pass, that is very difficult under the most favorable circumstances. * * * "I know not what course will be taken on this subject. I hope it will be one of conciliation. As for troops to conquer the Mormons, fifty thousand would be as inefficient as two or three thousand; and in proportion as you send troops in that vast region, without supplies, and without the hope of them, with no means of subsistence after a certain period, unless it is transported to them, the greater will be your danger. Consider the facilities these people have to cut off your supplies. I say your men will never

return, but their bones will whiten the Valley of Salt Lake. * * * They will fight; and if they fight, he (Johnston) will get miserably whipped. (*Deseret News*, June 2, 1858. Vol. VIII, p. 62). Also Congressional Globe, 35th Cong., 1st Sess. Pt. I, pp. 873-5. 25th Feb. 1858.

CHAPTER XCIV

PRESS CRITICISM OF THE BUCHANAN ADMINISTRATION FOR ITS COURSE TOWARDS UTAH

Meantime important events had been happening in the east. President Buchanan found his administration severely criticized for sending an army to Utah without first ascertaining by an official investigation whether or not there was any occasion for such a spectacular movement.¹

It is now known that Lieutenant General Winfield Scott did not approve of sending the army to Utah at all, on "the general ground of inexpediency," and especially because the season at which it was concluded to send them "was too late for the troops to reach their destination in comfort or even in safety; he expressed the belief that the movement was inaugurated merely to give occasion for large contracts and expenditures, that is, to open a wide field for fraud and speculation"; but he exonerates Governor Cumming, Col. Johnston and the army officers generally from both knowledge of, and complicity in, the scheme of speculation.²

1. Linn, influenced by the statements of Stenhouse (*Rocky Mountain Saints*, p. 386), denies that the administration was influenced to change its policy by criticism for sending an army to Utah before an inquiry into the causes of the alleged offenses had been made, and takes to task Bancroft for accepting "the ridiculous Mormon assertion that Buchanan was compelled to change his policy toward the Mormons by unfavorable comments 'throughout the United States and throughout Europe.'" (*Story of the Mormons*, p. 501, and *note*). Bancroft's statement (*Hist. of Utah*, p. 529) is not sustained by citations of authority for his declaration, but the evidence will be supplied by the text and citations in this chapter.

2. "The expedition set on foot by Mr. Secretary Floyd, in 1857, against the Mormons and Indians about Salt Lake, was, beyond a doubt, to give occasion for large contracts and expenditures, that is, to open a wide field for frauds and speculation. This purpose was not comprehended nor scarcely suspected in, perhaps, a year; but, observing the desperate characters who frequented the Secretary, some of whom had desks near him, suspicion was at length excited. *Scott protested against the expedition on the general ground of inexpediency*, and specially because the season was too late for the troops to reach their destination in comfort or even

We have already seen that General Harney had no stomach for the enterprise and induced his friend, Governor Walker, to represent to the War Department that his presence was so necessary in Kansas that he should be relieved of the command of the Expedition; though lateness in starting, and the fears of Gen. Harney of the rigors of a probable winter in the mountains, are assigned as the reasons for this manifest reluctance.

We have also seen that Senator Henry Wilson of Massachusetts, in the senate of the United States, as early as January 27th, 1858, introduced a joint resolution authorizing the appointment of a commissioner to examine into the Mormon difficulties "with a view to their settlement"; and although this resolution was referred to the senate committee on military affairs, and was never heard of again,³ yet the New York *Tribune* took up the matter, as we have already seen, and commented at length upon Mr. Wilson's resolution, showing that the country at large was very much in need of ascertaining by "thorough investigation of the grounds upon which we [i. e. the United States] stand, and a distinct settlement in our own minds of what precisely we intend to do, and the means and methods which we propose to employ"; and adding: "as yet, as to all these points, there prevails both in the public mind and at Washington, upon this subject, nothing but the most vague ideas." The *Tribune* reminds the administration that "the vast expense which must attend the maintainance of our army in Utah, not to mention the horrors of civil war, and the desperate character of the resist-

in safety. Particular facts, observed by different officers, if united, would prove the imputation. The Governor of the Territory, Mr. Cumming; the commander of the troops, Brigadier-General A. S. Johnston, and our officers, stood above all suspicion of complicity." (Autobiography of Lieut. Gen. Winfield Scott, Sheldon & Co., publishers, N. Y., 1864, p. 604). In the book, "Mr. Buchanan's Administration on the Eve of the Rebellion" (Appleton & Co., N. Y., pp. 238-9) Mr. Buchanan is no little surprised to learn that Gen. Scott "had protested against the Utah Expedition;" and holds that from a reference to the instructions from the General [Scott] to Gen. Harney, the President could not have inferred the existence of any such protest;" and the author further claims that "most certainly Mr. Buchanan, until he read the autobiography [of Scott], never learned that General Scott had protested against the Utah Expedition." It may be that the protest of General Scott was expressed only to the Secretary of War, his immediate head in the military department, and had no further hearing; but we must needs accept the statement of his Memoirs or question the veracity of a man who, while possessed of many foibles in character, was nevertheless possessed of the soldierly quality of a high sense of honor, of which truthfulness is necessarily the basis.

3. *Atlantic Monthly*, April, 476. Congressional Globe, 35th Congress, 1st Sess., Pt. 1, p. 428.

ance which the Mormons threaten to oppose to the entrance of the troops, affords abundant reason why the necessity of this operation should be fully established and its object clearly explained.”⁴

But previous to this, when the news of Mormon resistance to the army by burning the grass of the ranges, and also burning some of the supply trains, reached the east, very wide spread and severe criticism was made of the government’s course, not only in sending the army so late upon its long march to Salt Lake Valley, but going beyond that into an inquiry as to why it was sent at all. A correspondent of the *New York Herald*, under date of November 12th, wrote:

“Justice to the gallant men who have been ordered on this needlessly desperate service, requires that the plain unvarnished facts should go out to the country; so that, in the event of a disgraceful catastrophe (which from all appearances, does not seem improbable), the public may know with whom to settle the account.”⁵

On the 23d of December, Mr. Warren, of Arkansas moved the adoption of a resolution directing an inquiry into the propriety of excluding Utah’s Delegate from a seat in the house on account of the Territory being in a state of rebellion against the United States; whereupon the *N. Y. Daily Times* points out that this was improper procedure, and adds:

“This action strikes us as being much more hasty than wise. It is like most of the anti-Mormon movements—the result of impulse rather than good policy or common sense. It would puzzle ordinary men, we suspect, to explain why a hostile army was sent against Utah at the outset. There were undoubted disorders in the affairs of the Territory; but it has never yet been shown that they were such as could only be remedied by fire and sword. * * * The whole Utah business has been mismanaged in the most extraordinary manner from the beginning; and if it does not end in open and bloody rebellion, it is not likely to

4. *New York Tribune*, Jan. 30th, 1858. This Hist., Note 1, Ch. XCI.

5. *N. Y. Herald*, Nov. 12th, 1857. Copied into *Mill. Star*, Vol. XIX, p. 814.

be saved from that issue by any special wisdom on the part of the General Government.”⁶

The N. Y. *Tribune* commenting on a letter received from its own special Utah correspondent, dated Nov. 5th, and therefore depicting conditions attending the Expedition at their worst, said:

“The annals of military operations are sufficiently full of disastrous blunders; but they will scarcely furnish a more striking instance of the kind than this sending of two thousand men a thousand miles into the wilderness, to pass the winter at that dreary place. For any purpose of operating against the Mormons, these troops would have been a hundred times better posted, had they remained in Kansas. A start from Kansas early in the spring would have brought them to Salt Lake City by midsummer,—quite as soon as they can expect to arrive there now, even if the cold, and the Mormons, and the diet of lean beef, which forms the chief part of their rations, should leave them, when the spring opens, with numbers, strength, or spirit for the enterprise.”

Again, the *Tribune* said:

“Had it been the object of the Government to encourage Brigham Young to oppose the entrance of the troops into Utah, and to aid the Mormon leaders in working up the fanaticism of their deluded followers to the highest pitch of desperate resolution, they could hardly have chosen a method of procedure better adapted to that end. If the troops, according to the original plan, had pushed forward in the spring and arrived in Utah by July, as they might and should have done, it is not likely that any resistance would have been opposed to their entrance into the country, or that the civil officers would have found any serious difficulty in entering upon the formal discharge of their duties.

After this the same great journal proceeds to point out that the administration had exposed itself to the suspicion that *it never intended any movement against the Mormons at all*, but

6. N. Y. *Daily Times* of Dec. 24, 1857. “The tone of the debate,” says Col. Albert G. Brown, in *Atlantic Monthly* for April, 1859, “showed there was little difference of opinion in the House concerning Utah affairs; the unanimity, however, being due in part to ignorance and indifference. The issue of slavery in Kansas was absorbing. Mr. Warren’s resolution was referred to the Committee on Territories, and slumbered upon their tables through the whole session” (p. 476).

that its fell purpose was to coerce the freestate men of Kansas to accept the policy of the administration for the admission of Kansas as a slave state. Following is the passage from the *Tribune*:

“The political exigencies of Kansas, and the retention of the troops in that Territory to aid in keeping down the freestate men, and sustaining the border-ruffian regime, having interfered with this movement [i. e. the early departure of the troops for Utah], evidently the true policy would have been to have held back the troops for the winter. In that case, the Mormons, would probably have regarded the expedition as abandoned. At all events the interval might have been employed in disseminating among them a more correct idea of the real object of the enterprise; and when the army moved forward in the spring, it might have been in such force as to deter the Mormon leaders from the idea of an armed resistance.

“Instead of either of these reasonable courses, *finding itself exposed to the suspicion of never having really intended any movement against the Mormons*, the Government undertook to relieve itself from that charge by precipitating the troops, just at the beginning of the winter, into a position where they can do no good, where they are exposed to suffer greatly, and in which, worn down and diminished in strength and numbers, as they necessarily must be by a winter spent in cantonments under such circumstances, should the Mormons attack them in the spring, they may have great difficulty to maintain themselves till supplies and reinforcements can come up.

“In addition to all the other criticisms to which this unlucky winter encampment at Fort Bridger lies open, in the present state of the Federal treasury, the expense of it is not to be overlooked. The exceedingly heavy cost of transporting to such a distance and through such a country a six or eight months’s supply for two thousand men will be entirely thrown away.”

Referring again to the subject in January, the *Tribune* said:

“The Government at Washington, by its shameful mismanagement of this whole expedition, has placed Colonel Johnston and his whole army in this dangerous position. What does that Government intend to do by way of getting them out of it? Does it intend to leave these two thousand men, or such of them as

7. New York *Tribune* quoted in *Mill. Star*, Vol. XX, pp. 108-9.

may survive the winter, to be cut to pieces by the Mormons in the spring? If not, something ought to be done at once for their relief and re-enforcements. Merely issuing orders for new troops to hold themselves in readiness to march in the spring does not at all meet the necessities of the case. Long before these troops could arrive, it might be all over with the force they were sent to relieve. The responsibility of this whole business rests upon the government, and a very serious responsibility it is. Should Colonel Johnston and his two thousand men come to any harm, their blood will rest upon the heads of those who placed them in their present position.⁸

On the 27th of January, a resolution introduced by Mr. Zollicoffer of Tennessee, was passed by a unanimous vote in the national House of Representatives requesting the President to submit to the House the information which gave rise to the military expedition to Utah, together with the orders and correspondence; and on the 26th of February this information was sent to the House by the President. When it was published the *New York Herald* remarked that the documents "contain nothing of importance on the subject that is not familiar to the public."⁹

The *New York Times* commenting on the Zollicoffer resolution the day following its introduction, said:

"We are very glad to learn that a resolution was adopted yesterday in Congress, on the motion of Mr. Zollicoffer, of Tennessee, calling on the President for information in relation to the difficulty with the Mormons, as to the causes for the Utah expedition, and whether Brigham Young is actually in a state of rebellion or resistance to the United States authorities. The resolution will probably elicit some highly interesting information, and furnish the people with satisfactory reasons for the extraordinary preparations which appear to be on foot for sending a great military force to Salt Lake City. * * *

* * * "The general feeling of the people of the Union in all sections, and of all sects and parties, is so decidedly adverse to the Mormons that the Government is not likely to be held to a very strict account for its acts towards them, *even though they*

8. *N. Y. Tribune*, 14th of January, 1858; *Deseret News* of 21st April, 1858.

9. *N. Y. Herald* quoted in *Mill. Star*, Vol. XX, p. 214.

should be utterly exterminated, or driven from their present resting place.

* * * We are very glad therefore, that Mr. Zollicoffer has asked for more light on the subject, and we await the President's reply to the call with no small degree of interest."¹⁰

The *Times* would doubtless share the disappointment and the disgust of the *Herald*, expressed above, when the documents were published.

In the senate during the discussion of a proposed bill to increase the regular army—which was mainly urged on the ground of necessity because of the unsettled state of affairs in Utah—the administration was subjected to criticism for the course pursued towards Utah. Senator Sam Houston, of Texas, already quoted in this chapter said:

“I am opposed to the increase of the regular army; and if it is intended for the Mormons, I tell you that we cannot wait two years to raise troops to subdue them. If they have to be subdued—and God defend us from such a result—and the valley of Salt Lake is to be ensanguined with the blood of American citizens, I think it will be one of the most fearful calamities that has befallen this country, from its inception to the present moment. I deprecate it as an intolerable evil. I am satisfied that the Executive has not had the information he ought to have had on this subject before making such a movement as he has directed to be made. I am convinced that facts have been concealed from him. I think his wisdom and patriotism should have dictated the propriety of ascertaining, in the first place, whether the people of Utah were willing to submit to the authority of the United States. Why not send to them men to whom they could unbosom themselves, and see whether they would say, ‘We are ready to submit to the authorities of the United States, if you send to us honest men and gentlemen, whose morals, whose wisdom, and whose character, comport with the high station they fill; we will surrender to them; we will give up our (political) authority, and act in obedience to the laws of the United States.’ If this course had been taken by the Executive, I am sure he would never have recommended war; and if the facts had been before the Secretary of War, I am sure he never would have made the recommendation which he has submitted to us.”¹¹

10. N. Y. *Times*, Jan. 28th, 1858; *Deseret News* of May 5th, 1858.

11. Congressional Globe, 35th Congress, 1st Sess., Pt. I, pp. 837-5.

There can be no question, then, but what the Administration was sharply criticised for its action in sending an army to Utah without previous official investigation of the alleged misconduct on the part of the Latter-day Saints and their leaders; and that criticism during the winter grew sharper as the scandals about the contracts for army supplies and their shipment across the plains began to develop;¹² and again sharper when news of the "Mormon Exodus from Utah" reached the east, and the public mind was made to realize the seriousness of the administration's blunder in sending troops to Utah.¹³

Early in February dispatches were sent from Washington to the New York *Herald* reporting that Utah's Delegate to congress, Dr. Bernhisel, had held several long consultations with President Buchanan, in which he had proposed that the army should be withdrawn from Utah and that a commission be dispatched to the territory to arrange for the settlement of its difficulties. It was said that the President "rejected rather than received the proposition which Bernhisel made in virtue of his power as delegate from Utah, and not pursuant of instructions from Governor Young."¹⁴

12. Linn declares it was these scandals coming to light that stopped Gen. Scott from going to the Pacific Coast to direct activities against Utah from that point. ("Story of the Mormons," p. 500.)

13. For a collection of these criticisms following the news in the east that the Mormon exodus had begun, see Note 1, end of Chapter.

14. Washington dispatches to the N. Y. *Herald*, 1st and 5th of February, 1858. The Washington correspondent of the *Herald* about the same time wrote: "That propositions for the prevention of hostilities in Utah have been seriously talked over with the President is unquestionable, and that he would accede to honorable arrangements by which the effusion of blood could be spared is a matter on which I can entertain no manner of doubt. * * * If President Buchanan can get rid of the Mormons by negotiation, instead of by the sword, he will find many to sustain him in this measure. However much the Mormons may be despised, and however much their doctrines may be abhorred, fratricidal war is repugnant to the feelings, and only a dire alternative which finds approbation when every other means have failed. Many who anticipated a job, and counted on the part of the spoils to be gathered from fitting out expedition after expedition, with all the paraphernalia of war, the subsistence of troops, etc., may be disappointed and cry out war, war, still more lustily; but the satisfaction of those who have no such hopes, and who would undoubtedly be called upon to replenish the treasury to the tune of forty or fifty millions before the war was ended, as that sum has frequently been named in connection with this prospective war, will be a compensation to out balance the disappointment of the former. Again: who can calculate the amount of misery which would, as a matter of consequence, befall thousands of harmless women and children, should that Territory be put to the sword. * * * It is probably premature to speak of withdrawing the troops; but that hostilities may be retarded to permit of the last effort being made to settle peaceably the difficulty, by vacating

It may be that President Buchanan rejected these proposals from Bernhisel early in February, but later he evidently thought better of them; at least so far as appointing a Peace Commission to effect a settlement of affairs in Utah is concerned; for in April, President Buchanan appointed as Peace Commissioners to Utah *Messrs.* L. W. Powell, who had lately been governor of the state of Kentucky, and was now United States senator-elect from that state; and Major Ben McCulloch, of Texas, who had served with distinction in the war with Mexico. The president entrusted them with a signed Proclamation of Pardon, bearing the date of the sixth of April, 1858. It recited at considerable length the offenses popularly alleged against the Latter-day Saints and their Church leaders, declaring them to be in a state of "rebellion" and "treason,"¹⁵ yet "in order to save the effusion of blood, and to avoid the indiscriminate punishment of a whole people for crimes of which it is not probable that all are equally guilty," he offered "a free pardon to all who will submit themselves to the authority of the federal government." As this action was taken before the possibility of the reception of the news in the east that Colonel Kane had succeeded in bringing Governor Cumming into Salt Lake City without troops, and having him "everywhere recognized as the Governor of Utah";¹⁶ and before the news could possibly have reached the east that President Young had inaugurated the desertion of Utah by the Latter-day Saints—threatened as a possibility from the beginning of hostilities—the action in appointing this "Peace Commission," could have been caused by no other consideration than that rising storm of public criticism, awakened first by the spirited resistance of the people of Utah under the leadership of Brigham Young; and deepened when it became known that the Saints were actually deserting their settlements, with every preparation made to lay waste their country and leave it a fire-blackened des-

the Territory or by some other compromise, is neither impossible nor improbable. You would be astonished to see how many favor this new move." (Correspondence to the *N. Y. Herald*. Copied in *Deseret News* of April 7th, 1858.)

15. For consideration of this charge of "rebellion" and "treason" see Note 2, end of Chapter.

16. That news did not reach the Administration until early in June. See Special Message of Pres. Buchanan to Congress, dated June 10th, 1858. Messages and papers of the Presidents, Vol. V, p. 487.

olation. Governor Young's Proclamation, which designated the U. S. Army for Utah as a mob, and forbade its entrance into the Territory, or, if it had already crossed its borders, then to depart by the way it came; followed as it was by steps to hinder the army's progress towards Salt Lake City by burning the grass before it, running off its stock and burning its trains—in themselves acts of war—gave to the world evidence of the terrible earnestness of the Saints in resisting an infringement of their rights as American citizens, and what they regarded as a menace to their community existence. If Brigham Young and his followers had the daring to take these war-like measures, which put the forces under Col. Johnston at their mercy, and exhibited the blundering of an American administration to the world, it was a moral certainty that the Saints would go the rest of the way with their program of resistance: they would lay waste their country, flee to the desert, perish by thousands it might be, but they would leave the shame of it to those who had pursued them with military terrors; they would leave the great Republic of the western world, to be arraigned before the civilization of an age of boasted religious freedom and Christian enlightenment. Fronted with these great, moral responsibilities there was no other thing for the Buchanan administration to do than to seek a peaceful solution of the Utah troubles by abandoning everything like an armed conquest of the people, and grant them pardon of their offenses, fancied or real.

Hence the "Peace Commission" for Utah.¹⁷ And in that remarkable change of public sentiment towards the Latter-day Saints, which made the commission possible, and led the press of the country that but a short time before looked complacently upon the prospect of the "Mormon question" being settled by a famine¹⁸—occasioned by a combination of drought and a plague of grasshoppers, by which the people would be destroyed—to the attitude of defending them against the injustice of the Buchanan

17. "In their appointment," says Col. Albert G. Brown, "Mr. Buchanan imitated the example of President Washington, who designated a similar commission to convey his proclamation (providing for peaceful submission within a limited time) to the whiskey-insurgents in Pennsylvania (1794)." Utah Expedition, *Atlantic Monthly*, April, 1859; c. f. Hist. U. S., Bryant, Gay, Brooks, Scribner's, Vol. IV, pp. 118, *et seq.*

18. See *Anti*, ch. LXXXIII, note 20; and note I, end of ch. LXXXIII.

administration, and so censuring that administration that its policy was changed (abundantly made apparent in the text of this chapter, and supplemented by the quotations from leading journals in Note 1)—the Latter-day Saints of that period saw the hand of the Lord plainly manifested in their deliverance in a manner most remarkable. So remarkable, indeed, that it has no parallel save only in the softening of the Egyptian Pharaoh's heart towards ancient Israel, that they might accomplish Jehovah's purposes.¹⁹

NOTE 1. CRITICISM OF THE FEDERAL ADMINISTRATION FOR SENDING THE ARMY TO UTAH, AFTER THE NEWS THAT THE THREATENED MORMON EXODUS FROM UTAH HAD BEGUN, REACHED THE EAST: After describing the settlements in the north part of the Territory that had been abandoned, the *N. Y. Tribune* said:

"All these settlements, built up in the course of ten or eleven years by the untiring industry of the Mormons, are now in the progress of abandonment, and decreed, on the advancement of the troops into the valley, total destruction. It is probable, also, though that does not yet distinctly appear, that this abandonment extends to the line of settlements along the shores of Utah Lake, some sixty miles south of Salt Lake City, and of which Provo, containing about four thousand inhabitants, is the principal.

"Where these unhappy people are to go, or what is to become of them, does not appear. They are moving south; but, so far as we know, there are in that direction no inhabitable tracts of any considerable extent within seven hundred miles of their late settlements. So extraordinary a migration is hardly paralleled in history. The depopulation of Acadia, a hundred years ago—strong political reasons as there were for it—has not left a very

19. Relating to a local event in their early experience the Saints had a direct promise of this kind; and one can see no reason why the principle and promise should not be expanded to meet more general conditions of hazard and impending danger, such as the peril involved in the events dealt with in this "Utah War" episode. The local event referred to was in connection with the expulsion of the Saints from Jackson county, and their course of action pending arrangements for their return to the lands from which they had been driven:—

"And behold, I [the Lord] will give unto you favor and grace in their eyes [i. e. of the people of Clay county, Mo.], that you may rest in peace and safety, while you are saying unto the people, 'Execute judgment and justice for us according to law, and redress us of our wrongs.' * * *

"And I will soften the hearts of the people, as I did the heart of Pharaoh, from time to time, until my servant Joseph Smith, Jr., and mine elders, whom I have appointed, shall have time to gather up the strength of my house." (Doc. & Cov., sec. cv; 25, 27).

fragrant odour behind it. The driving of the Mormons from their homes, by military terror, will hardly contribute much to the honour of the country, or to the posthumous reputation of Mr. Buchanan's presidency." (N. Y. *Tribune*, May 8th, 1885).

About a month later the *Tribune* remarked:

"He (Governor Cumming) is evidently very little pleased with the idea of being left Governor of a deserted Territory, from which the inhabitants had fled at his approach. He exhibits much anxiety to put a stop to the migration of the Mormons.

* * * Should the Mormons execute their threat of burning Salt Lake City and abandoning that part of the Territory, it may be questioned whether, so far as facilities are concerned for overland communication between the Mississippi Valley and the Pacific, anything would be gained by the change. There can be no question that the Mormon settlement has proved a great convenience to travel by that route; and, taking as true all the charges and complaints which have been made against the Mormons, it may well be doubted whether the sort of population which would be likely to succeed them would be found more hospitable or less exacting. To anybody but the Mormons, the Salt Lake Valley could hold out little attraction, except as a convenient station for levying a heavy tribute on the travel to and from California; and it is very doubtful whether the miscellaneous vagabonds of the prairies, into whose occupancy the Valley would be likely to fall, might not soon become much more obnoxious to travellers by that route than the Mormons ever have been." (N. Y. *Tribune* June 12th, 1858).

The N. Y. *Times*, two days later, said:

"Governor Cumming seems to have treated the 'Mormons' kindly, but with a good degree of frankness and of firmness. His tone was very different from that observed by Colonel Johnston, in his negotiations at the head of the army,—being much more respectful and conciliatory, and much better calculated to win the confidence and command the assent of the 'Mormon' community. In fact, the whole military movement against them seems to have been a blunder, and to have accomplished nothing. * * * If President Buchanan had begun operations by sending the Governor alone, or by sending his ridiculous 'Peace Commission,' and said nothing about an army until these endeavors had been repulsed, there is no great reason to doubt that he would have attained the same result, and saved some ten or twelve millions of dollars to the Federal Treasury.

* * * The *Union* [an administrative newspaper] will find it difficult to manufacture any great amount of glory for its em-

ployers out of the Utah war. Their 'energy' has been mainly shown in rolling up a mountain of expense, without having the slightest possible advantage to show for it.

"It is impossible to read Governor Cumming's dispatch without feelings of pity and almost respect for the fanatics who were leaving their homes and plunging into the remote wilderness, to avoid what they were evidently sincere in regarding as tyranny and oppression on the part of the government. Governor Cumming himself was evidently impressed by their earnestness, and by no means inclined to underrate the resistance they would have offered to the violent coercion of the army." (N. Y. *Times*, June 14th, 1858).

Three days later the *Times* returned to the subject:

"No dispassionate person, whatever his political partialities, can fail to see that the various enterprises undertaken by Mr. Buchanan do not seem to prosper in his hands. * * * The Mormon war was as promising a little quarrel as ever an enterprising statesman gloated over. It contained every element of success and popularity. Impudent imposture, murders, rapes, polygamy, treason, intrusion on the United States' Territory, defiance to the Government and to public opinion—nothing was wanting to convert our venerable President into a glorious crusader on behalf of law, order, morality, and national dignity. The pudding was full of plums. It, too, has failed him. Even Brigham the Prophet has not turned out as well as was expected, and refuses to be a traitor. * * *

* * * The latest news from Utah places the Administration in a position marked by a singular mixture of farce and tragedy, and the whole story of the war is crowded by as much ignorance, stupidity, and dishonesty as any Government ever managed to get in the annals of a single year. *An army was sent to chastise rebels before it was clearly ascertained whether or not there were any rebels to chastise.*

* * * Whatever our opinions may be of Mormon morals or Mormon manners, there can be no question that this voluntary and even cheerful abandonment by 40,000 people of homes created by wonderful industry, in the midst of trackless wastes, after years of hardship and persecution, is something from which no one who has a particle of sympathy with pluck, fortitude, and constancy can withhold his admiration. Right or wrong, sincerity thus attested is not a thing to be sneered at. True or false, a faith to which so many men and women prove their loyalty, by such sacrifices, is a force in the world. After this last demonstration of what fanaticism can do, we think it would be most unwise to treat Mormonism as a nuisance to be

abated by a *posse comitatus*. It is no longer a social excrescence to be cut off by the sword; it is a power to be combatted by the most skillful, political, and moral treatment. When people abandon their homes to plunge with women and children into a wilderness, to seek new settlements, they know not where, they give a higher proof of courage than if they fought for them. When the Dutch submerged Holland, to save it from invaders, they had heartier plaudits showered on them than if they had fertilized its soil with their blood. We have certainly the satisfaction of knowing that we have to deal with foemen worthy of our steel.

“However this singular affair may end, nothing can release us from the responsibility we have incurred in it. * * * If the conduct of the recent operations has had the effect of strengthening their fanaticism, by the appearance of persecution, without convincing them of our good faith and good intentions, and, worse still, has been the means of driving away 50,000 of our fellow-citizens from fields which their labors had reclaimed and cultivated, and round which their affections were clustered, we have something serious to answer for. Were we not guilty of a culpable oversight in confounding the insubordination of conscientious fanaticism with the insubordination of ribald license or ambition, and applying to the one same harsh treatment which the law intends for the latter alone? Was it right to send troops composed of the wildest and most rebellious men of the community, commanded by men like Harney and Johnston, to deal out fire and sword upon people whose faults ever were the result of honest religious convictions? Was it right to allow Colonel Johnston to address letters to Brigham Young, and through him to his people, couched in the tone of an implacable conqueror towards ruthless savages? Were the errors which mistaken zeal generates ever cured by such means as these? And have bayonets and cannon ever been used against the poorest and weakest sect that ever crouched behind a wall to pray or weep, without rendering their faith more intense, and investing the paltriest discomforts with the dignity of sacrifice? (N. Y. *Times*, June 17th, 1858).

NOTE 2. THE “TREASON” AND “REBELLION” OF THE LATTER DAY SAINTS: Of course, technically speaking, the issuance of President Young’s proclamation forbidding the army to enter Utah Territory, or if it had entered to lay down its arms and return by the route it had come; and following this by the overt acts of burning the ranges, running off the army stock and burning its supply trains—by which its very existence was put in

jeopardy—all this, I say, laid the people of Utah open to the charge of “treason” and “rebellion”; but the question to be considered by the reader is, *were they fairly open to such a charge before the army was started on its march to Utah?* The situation briefly stated was this: Here is a community against whom, it is true, are alleged many offenses—but the charges are made by very questionable characters—and none of the charges previous to the appearance of the army upon the scene by any stretch of interpretation could have been made to reach the bad eminence of “treason” or “rebellion”; and, moreover, the truth of these charges was stoutly denied by the Saints, and an investigation demanded by them. Then without investigation and without official notification of its intention—much less explanation of its purpose—the administration sends an army to Utah, which by popular rumor, by declaration of the press of the country, as well as by the braggadocio of the teamsters and camp-followers, the purpose of the army for Utah is declared to be to make a war of conquest upon the Saints, to whip them into submission, to crush out a “rebellion” which, up to that time, really had no existence. The Church leaders, instructed by sad experience, by these threatening portents were made apprehensive of the loss of their liberties, of the destruction of their homes, of the sacking of their towns and settlements, of the violation of the chastity of their women—of their community existence. Fearful of these direful calamities, Governor Young declared the approaching army a mob and proposed treating it as such; his people to a man sustained his position, and the army was so regarded and so treated. Then the Saints are proclaimed “traitors” and “rebels.” Be it so. But the truth known, their “rebellion” and “treason” shall be to them titles of honor, since they were acquired not in seeking the overthrow of the federal government, nor to establish anarchy, but—from their view point—to preserve their liberties, to perpetuate the American principle of home rule, to defend the purity of their homes, to maintain religious freedom, and to establish for themselves and their posterity the right of community existence.

In this connection it should also be said, that while the orders issued to captains in the field directing them when raiding the stock herds or burning trains of the Expedition “*to take no life,*” except in self-defense, may not be regarded as eliminating the element of actual war from the resistance to the advance of the army into Salt Lake Valley; nor, strictly speaking, does it eliminate the element of “treason”—since treason is declared by the Constitution itself to consist in levying war against the United States, or in adhering to their enemies or giving them aid or

comfort; nor can the "shed-no-blood" clause argue that bloodshed is necessary to rebellion or treason; but all this does indicate that there was an absence of desire to shed the blood of their fellowmen, that they would, if they could, avoid coming to blows with the general government. The order, doubtless, grew out of that generally accepted idea that the taking of human life is the deed which always characterizes the beginning of civil warfare. As the New York *Tribune* said at the time: "In point of law, the shedding or not shedding of blood might make no difference. In point of sentiment and feeling, and of action stimulated by sentiment and feeling, it makes a great deal. Hence, in these cases, it is always a great point to throw the responsibility of the first bloodshed on the opposite party. Brigham Young has sense enough to know that, great as is the existing antipathy against him and his people, a conflict commenced by his orders, in which the blood of United States soldiers should flow, would greatly aggravate it. On the other hand, it may be found that extreme proceedings against Major Taylor, [a Utah militia officer captured by U. S. troops and at the time held a prisoner], who, it seems, is charged with high treason, as having been one of the party concerned in stopping and burning the provision wagons, will produce a state of feeling in the Mormons which, perhaps, in the present position of the troops, might as well not be precipitated." (N. Y. *Tribune* in Mill. Star., Vol. XX, pp. 108).

CHAPTER XCV

THE PEACE COMMISSIONERS FOR UTAH—PRESIDENT BUCHANAN'S PROCLAMATION OF PARDON—PASSAGE OF THE ARMY THROUGH SALT LAKE CITY—RETURN OF THE PEOPLE TO THEIR HOMES

The Commissioners left Fort Leavenworth for Salt Lake City, on the 25th of April. At St. Louis they had selected five ambulances and harness which were shipped to the point of their departure across the plains. Their party consisted of a sergeant and five dragoons, a wagon-master, five teamsters, and a guide. Each ambulance was drawn by four mules; they also had three saddle horses to relieve the monotony of riding in the ambulances. They had but little baggage and were able to carry sufficient forage for their teams from point to point. They found the ambulances so comfortable as sleeping apartments that they

did not carry tents. Such the outfit with which they made the entire journey to Salt Lake City.¹

The Commissioners arrived at Camp Scott on the 29th of May, where they remained three days, learning all they could from that point of the recent happenings in Utah. And there was much for them to learn, for at the time of their departure from the Missouri frontiers nothing was known of the success of Col. Kane's mission. On the 7th of June they reached Salt Lake City, and were astonished at its extent, and at the fact that it was practically deserted, most of the inhabitants, with the Church leaders, having joined in the "move south," and had proceeded on their journey as far as Provo, where they were quartered either in the homes of their friends or in temporary board shanties. Word was sent to them of the arrival of the Commissioners and something concerning the nature of their mission and the desire they had for consultation with the leading men of the Church. Accordingly a large number of the Church leaders and their immediate friends returned to Salt Lake City, and arrangements were made for a meeting at the "Old Council House,"² at 9 a. m., on the 11th of June.

There was a large attendance of leading brethren at the council; Governor Cumming and the new Superintendent of Indian Affairs, Jacob Forney, were in attendance with the Commissioners. The visitors were seated by President Young on the dais of the court room hall, while himself and associate Church leaders occupied seats on the floor of the hall facing them. President Young, acting as the master of ceremonies, introduced the Commissioners to the assembly "who rose to their feet and received them respectfully."³ During the meeting the gentlemen to both sides of the consultation kept their seats.⁴

That morning when on his way to the meeting President

1. Letter of the Commissioners to the Secretary of War, April 25th. House Ex. Doc. 35th Congress, 2d Sess., Vol. II, Pt. II, pp. 163-4.

2. The windows had been taken out of the Council House, as indeed they had been from most of the houses in Salt Lake City in the "Move" to preserve them. Those of the Council House were replaced before the beginning of the meeting on the 11th. (Hist. Brigham Young *Ms.*, entry June, 1858, p. 622.)

3. Original notes of Minutes of the meeting with the Commissioners, File of Documents, marked "Powell," etc., 1858, Historian's Office.

4. Minutes of the Council, Hist. Brigham Young, *Ms.*, June 11th, 1858, p. 630.

Young had met Porter Rockwell, who had just arrived as an express from Echo Canon, with the word that General Johnston "had given orders to his army to march on Monday"—14th of June⁵—for Salt Lake City. As soon therefore as the council meeting with the commissioners was organized, President Young announced his information to the Commissioners, who denied the likelihood of such an occurrence. They had before disclaimed that any control of the movements of the military expedition to Utah had been given to them; but before leaving Camp Scott arrangements had been made by them that the army would not move in its march to Salt Lake Valley until its commander should hear from them from Salt Lake City, a statement that was confirmed by Governor Cumming;⁶ but, according to the *Atlantic Monthly* writer, the commissioners "urged General Johnston not to delay the advance of the army one moment beyond the time when he should be ready and desire to march."⁸ The likelihood of the former arrangement being the understanding receives support from the fact that when Brigham Young made the above announcement to the Commissioners, "Governor Powell assured Governor Young that it would cost Johnston his commission if he should move without authority from them."⁹

5. See original note of minutes of the meeting with Commissioners. Files of Documents, marked "Powell" for 1858, Historian's Office.

6. Hist. Brigham Young, *Ms.*, June 9th, 1858, p. 62.

7. Johnston during the winter had been made Brigadier General by nomination of the President and confirmation by the Senate, "Uniform discretion manifested in his command of the Utah Expedition," being the ground of the promotion.

8. "The Utah Expedition," *Atlantic Monthly*, April, 1858, p. 486.

9. Hist. Brigham Young, *Ms.*, entry 11th June, 1858, p. 629. This incident has been grossly exaggerated and given dramatic form in Tullidge's *Life of Brigham Young*, and in his "History of Salt Lake City"—in the former, Chapter XX; in the latter, Chapter XXIV.

As a matter of fact, and notwithstanding the incredulity of the Commissioners, Gen. Johnston had given such an order and acted upon it. It became the subject of a spirited correspondence between Governor Cumming and the General. On 15th of June Governor Cumming wrote General Johnston:

"On the 11th and 12th of June a conference was held between the President and leaders of the Church of Latter-day Saints and the Peace Commissioners. I was present at the conference by invitation, and heard a statement made by President Young to this effect: that he had evidence of your intention to advance the army on the 14th or 15th of this month, without awaiting for communications from the Commissioners or myself.

To this statement I gave a prompt and positive denial, alleging that General Johnston would not violate a pledge made by him to the Commissioners and to myself, on the 30th of May, at Camp Scott.

Commissioner Powell stated the purpose of their mission to be to use their best exertions in effecting an amicable adjustment of the "unfortunate difficulties" existing between the general government and Utah. Major McCulloch, in a few words, concurred in what his associate had said. President Young asked to see the Commissioners' letter of appointment. Powell replied that the request was a proper one and it would be presented, and read to the meeting, but they had neglected to bring it to the meeting with them.

President Young at some length reviewed the history of the settlement of Utah, the coming of, and treatment accorded to, United States officials. He considered also some of the allegations against the "Mormons" in the introductory part of President Buchanan's Proclamation of Pardon, "and acquitted himself and his people, argumentatively and conclusively—first rate,"

"Secretary Hartnett, who left Fort Bridger on Friday, the 11th, being the first day of the conference at Great Salt Lake City, arrived here on Sunday, the 13th instant, and, to my great surprise, informed me that you had requested him to inform the Commissioners and myself of your intention to take up the line of march for this city on the 15th of June.

"At the time when this communication was made to Secretary Hartnett the conference had only commenced, you could therefore not have received any communication from the Commissioners or myself. We should necessarily wait to know the result of the conference before communicating with you. I earnestly request that you will make such disclosures as may be made without detriment to the public service which may enable me to reconcile the apparent discrepancy between my statement and that recently communicated through Mr. Hartnett.

"I am aware that you will probably have received communications from the Commissioners announcing the termination of the conference previous to the day appointed for your departure from camp, but this does not affect the question. *I stated to President Young that you were pledged not to march until you had received communications from the Commissioners or myself, that you had told me that you would issue a proclamation setting forth your intentions.*"

To this Johnston answered on the 19th of June: "SIR: Your letter of the 15th instant was received to-day. At the conference with the Commissioners at your tent—it being understood that I could not commence the march from Fort Bridger before the arrival of the supplies, and that the preparation for the march, depending upon their arrival, could not probably be made before the 15th or 20th instant, and understanding from them that they believed before that time they would be able to ascertain the result of their mission—I did say, as represented by you, that *'I would delay the march of the troops until I heard from them;*' but by no means did I intend to give to what I said the binding force of a pledge, should it be in conflict with a good military reason for pursuing a different course, nor did I suppose the Commissioners and yourself so understood it. As I used the language asserted by you to President Young, the distrust, if any is incited, should rest upon me; and I now disclaim any intention of misleading anyone. The instructions of the President to the Commissioners were positive that the army should occupy the Territory of Utah, and my orders do not allow the discretion of making delay, unless reasons should be offered for so doing which should appear to me sufficiently cogent." (The correspondence will be found in full in House Ex. Doc. 35th Congress, 2d Sess., Vol. II, Pt. II, pp. 114 and 116).

says the chronicle.¹⁰ At times his criticism of the Administration was severe; Governor Cumming began interrupting. Commissioner Powell said in an undertone, that he did not want Mr. Young interrupted. Major McCulloch interrupted to say that "it was not agreeable to hear government spoken against." President Young answered: "Do not mistake me, talking against men (corrupt men) who were in office, was not speaking against the government. Electing a man President did not make him a despot—a king. I'll thank you, Major, kindly, if you will correct me wherein I speak against the *government* of the United States."¹¹

Commissioner Powell followed President Young. He declined to discuss questions of the past, raised by the previous speaker; it was the present and future with which he was concerned. He differed in his opinions from the previous speaker respecting the "wisdom and patriotism of James Buchanan; we believe him sincerely to be a good and patriotic man;" and again insisted that General Johnston's movements were erroneously reported to President Young.

"What do you want of us," sharply inquired President Young, which brought matters to an issue.

"We only want you to let government send in the troops, and that you submit to the laws;—let the army come in, go through and locate lands—protect the inhabitants."¹²

President Young asked Commissioner Powell if he justified Missouri in the treatment of the Latter-day Saints. The Commissioner did not know the facts. The same question was asked relative to the treatment received by the Saints in Illinois. Again the Commissioner pleaded ignorance of the facts—"unjustifiable ignorance, perhaps," he conceded.

Other speakers now took part, Erastus Snow and Gilbert Clements. They dealt with the accusations against the Latter-day

10.—Minutes of the Conference in Hist. of Brigham Young, *Ms.*, 11th of June, 1858, p. 630.

11. President Young had asked Gov. Cumming at one of his interruptions if he could be kept still, until the halter was put round his neck. To which that gentleman answered, "surely not!" "Neither would you, Major McCulloch," said President Young. Then came McCulloch's objection to having the government spoken against. Minutes of the meeting as above.

12. Original notes of the Minutes of the meeting, Documents of June, 1858.

Saints in President Buchanan's Proclamation of Pardon, and declared that the charges were untrue; the number of them ranged from forty to fifty.¹³ President Young remarked that the brethren must have analyzed the Proclamation to find so many, and evidently sought to check this kind of criticism of President Buchanan by saying that "these gentlemen," referring to the Commissioners, "were the friends of President Buchanan, and believe him to be sincere, and he did not wish them [i. e. the brethren] to do or say anything that would not present him in as favorable a light as possible."¹⁴

Other speakers followed in the same general tenor as Clements and Snow. Finally President Young said:

"We want some security for our safety."

To which Powell answered:

"We have no more security for you than what is contained in the Proclamation."

Commissioner Powell had made it very clear that himself and associates were not sent to *investigate* the charges made against the Latter-day Saints, and practically repeated in President Buchanan's Proclamation of Pardon. The appointment they had received did not authorize inquiry and adjudication, but rather directed them to state clearly what the administration required of the people in order to the granting of a free pardon—recognition of, and submission to, the national authority; admission of the army into the territory without resistance; and a pledge of obedience to the laws and Constitution for the future. And on its part, the administration disclaimed any intent to interfere with the religion of the Latter-day Saints; **that was recognized** as being a matter between themselves and God. "*The*

13. "President Buchanan sent by them [i. e. the Commissioners] a "Proclamation, accusing us of treason and some fifty other crimes, all of which was false." Wildord Woodruff's journal, entry 11th June, 1858. "This Proclamation contains forty-two false charges into which he [Buchanan] has refused, up to this time, to make the least inquiry or investigation." Speech of Geo. A. Smith before the Commissioners. Hist. Brigham Young, *Ms.*, June, 1858, p. 642.

14. Hist. of Brigham Young, *Ms.*, entry 11th June, 1858, p. 635.

constitution and laws of the United States," it was averred, "could take no notice of their creed, whether it be true or false." All which was embodied in the Proclamation of the President, that here follows:

BY JAMES BUCHANAN

President of the United States of America

A PROCLAMATION

Whereas the Territory of Utah was settled by certain emigrants from the States and from foreign countries, who have for several years past, manifested a spirit of insubordination to the constitution and laws of the United States. The great mass of these settlers, acting under the influence of leaders to whom they seem to have surrendered their judgment, refuse to be controlled by any other authority. They have been often advised to obedience, and these friendly counsels have been answered with defiance. Officers of the federal government have been driven from the Territory for no offence but an effort to do their sworn duty. Others have been prevented from going there by threats of assassination. Judges have been violently interrupted in the performance of their functions, and the records of the courts have been seized and either destroyed or concealed. Many other acts of unlawful violence have been perpetrated, and the right to repeat them has been openly claimed by the leading inhabitants with at least the silent acquiescence of nearly all the others. Their hostility to the lawful government of the country has at length become so violent that no officer bearing a commission from the Chief Magistrate of the union can enter the Territory or remain there with safety; and all the officers recently appointed have been unable to go to Salt Lake or any where else in Utah beyond the immediate power of the Army. Indeed, such is believed to be the condition to which a strange system of terroism has brought the inhabitants of that region, that no one among them could express an opinion favorable to this government, or even proposes to obey its laws, without exposing his life and property to peril.

After carefully considering this state of affairs, and maturely weighing the obligation I was under to see the laws faithfully executed, it seemed to me right and proper that I should make such use of the military force at my disposal as might be neces-

sary to protect the federal officers in going into the Territory of Utah, and performing their duties after arriving there. I accordingly ordered a detachment of the army to march for the City of Salt Lake, or within reach of that place, and to act in case of need, as a *posse* for the enforcement of the laws. But, in the meantime, the hatred of that misguided people for the just and legal authority of the government had become so intense that they resolved to measure their military strength with that of the union. They have organized an armed force far from contemptible in point of numbers, and trained it, if not with skill, at least with great assiduity and perseverance. While the troops of the United States were on their march, a train of baggage wagons, which happened to be unprotected, was attacked and destroyed by a portion of the Mormon forces, and the provisions and stores with which the train was laden were wantonly burned. In short, their present attitude is one of decided and unreserved enmity to the United States and to all their loyal citizens. Their determination to oppose the authority of the government by military force has not only been expressed in words, but manifested in overt acts of the most unequivocal character.

Fellow-citizens of Utah, this is rebellion against the government to which you owe allegiance. It is levying war against the United States and involves you in the guilt of treason. Persistence in it will bring you to condign punishment, to ruin and to shame; for it is mere madness to suppose that, with your limited resource, you can successfully resist the force of this great and powerful nation.

If you have calculated upon the forbearance of the United States—if you have permitted yourselves to suppose that this government will fail to put forth its strength and bring you to submission—you have fallen into a grave mistake. You have settled upon territory which lies geographically in the heart of the Union. The land you live upon was purchased by the United States and paid for out of their treasury. The proprietary right and title to it is in them and not in you. Utah is bounded on every side by states and territories whose people are true to the Union. It is absurd to believe that they can or will permit you to erect in their very midst a government of your own, not only independent of the authority which they all acknowledge, but hostile to them and their interests.

Do not deceive yourselves, nor try to mislead others by propagating the idea that this is a crusade against your religion. The constitution and laws of this country can take no notice of your creed, whether it be true or false. That is a question between your God and yourselves, in which I disclaim all right to inter-

fere. If you obey the laws, keep the peace and respect the just rights of others, you will be perfectly secure, and may live on in your present faith, or change it for another, at your pleasure. Every intelligent man among you knows very well that this government has never directly or indirectly sought to molest you in your worship, to control you in your ecclesiastical affairs, or even to influence you in your religious opinions.

This rebellion is not merely a violation of your legal duty; it is without just cause, without reason, without excuse. You never made a complaint that was not listened to with patience. You never exhibited a real grievance that was not redressed as promptly as could be. The laws and regulations enacted for your government by Congress have been equal and just, and their enforcement was manifestly necessary for your own welfare and happiness. You have never asked their repeal. They are similar in every material respect to the laws which have been passed for the other Territories of the Union, and which everywhere else (with one partial exception) have been cheerfully obeyed. No people ever lived who were freer from unnecessary legal restraints than you. Human wisdom never devised a political system which bestowed more blessings or imposed lighter burdens than the government of the United States in its operation on the Territories.

And being anxious to save the effusion of blood, and to avoid the indiscriminate punishment of a whole people, for crimes of which it is not probable that all are equally guilty, I offer now a full and free pardon to all who will submit themselves to the authority of the federal government. If you refuse to accept it, let the consequences fall upon your own heads. But I conjure you to pause deliberately and reflect well, before you reject this tender of peace and good will.

Now, therefore, I, James Buchanan, President of the United States, have thought proper to issue this, my *proclamation*, enjoining upon all public officers in the Territory of Utah, to be diligent and faithful, to the full extent of their power, in the execution of their laws; commanding all citizens of the United States in said Territory to aid and assist the officers in the performance of their duties; offering to the inhabitants of Utah; who shall submit to the laws, a free pardon for the seditions and treason heretofore by them committed; warning those who shall persist, after notice of this proclamation in the present rebellion against the United States, that they must expect no further lenity, but look to be rigorously dealt with according to their deserts; and declaring that the military forces now in Utah, and hereafter to be sent there, will not be withdrawn un-

til the inhabitants of that Territory shall manifest a proper sense of the duty which they owe to the government.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed to these presents.

Done at the City of Washington, the
sixth day of April, one thousand
eight hundred and fifty-eight, and
of the Independence of the United States.

the eighty-second
James Buchanan.

By the President:

Lewis Cass, Secretary of State.¹⁵

The evening session of the conference consisted of a series of private interviews between Presidents Young, Kimball, Wells, and Elder Geo. A. Smith, and the Commissioners. The question discussed was—

“Shall the army come in through the city, and pass through to their winter quarters without molesting or burning.”

President Young held a private consultation, first with Commissioner Powell alone; then with Commissioner McCulloch alone; then with both together. This consultation lasted until very late.

While these private interviews were being held, the other brethren assembled engaged in conversation and singing.¹⁶ Erastus Snow prayed.

The second day's conference convened at 10.15 A. M. This day the council chamber was crowded. The first speaker was Elder John Taylor, his speech in the minutes is described as “clear, calm, eloquent, and good.” The Commissioners complimented him as he proceeded in his remarks, as they did Elder Geo. A. Smith, who followed him. The latter's speech is preserved *in extenso* in the Church annals *Ms.*—it has never been published; yet, better than any other document extant, it reflects the spirit in which the Proclamation of Pardon was considered and accepted by the Church leaders and the people. It was delivered for the most part in a humorous spirit, but at the

15. Messages and Papers of the Presidents, Vol. V, pp. 493-5.

16. John Kay sang “Ocean Shells,” and “To the Land of the West;” Erastus Snow, “White Canoe,” and “Wives, Children and Friends;” W. C. Dunbar sang, “Do What is Right,” or as recorded in the Minutes, “God Will Protect Us in Doing What's Right.” (Original notes of Minutes, Documents, File of 1858.)



A. D. Smith

vital parts of the issues involved was based on sound judgment and the facts. Excerpts on such points follow:

“Our present position is, in many respects, a critical one. We desire, life, liberty and the pursuit of happiness.’ We claim ‘the right to regulate our own institutions, in our own way, subject to the Constitution of the United States.’ These constitutional principles and privileges, are dear to us above all things else. We can cheerfully lay our bones in the dust when our days are numbered; but we can *never surrender our constitutional rights*. We can see our wives and children turned out of doors and driven from their homes over and over again, but we can *never disgrace the blood of our ancestors, by submitting tamely to be ruled by bayonets*.

“*We are Americans!* Citizens of this great Republic! Our fathers bled for its liberties, which they have bequeathed to us, as a priceless treasure; and no tyrant shall ever wrest them from us.

“When the President of the United States refused to listen to our petitions, treating them with silent contempt, and answered our applications for an investigating committee by marching his legions into this Territory, when he arrayed his bayonets to sustain the acts of corrupt officials, who had used their official influence to bring destruction upon us, I was ready to throw my * * * body between my children and their bayonets.

* * * Mr. Buchanan sends us highminded and honorable gentlemen; they come the bearers of an Executive Proclamation, which I have carefully looked at in various ways. My first impression was, that the President was determined to exasperate the citizens of this Territory, by official slanders, charging them with a list of horrible crimes, that would incite them to a rebellion which could never have been produced by an other cause.

“This Proclamation contains *forty-two false charges*, into which he has refused, up to this time, to make the least inquiry or investigation. When these charges were first made against us, by anonymous correspondents of the press, and fugitive officials, we denied them, and furnished Mr. Buchanan with sufficient testimony to satisfy any unprejudiced mind, they were false; we called for an investigation and however prejudiced he might have been, the testimony we furnished, must have satisfied him at least that there were two sides to the question. But our repeated demands for investigation were treated with silent contempt, the mails stopped and the army sent; and all the information we received from the government was through stray newspapers which came in by private conveyance, informing us

that the Mormons were to be taught by the bayonet that the 'Christian religion was the law of the land,' or be exterminated. Spurred on by all the prejudice combined speculators, disgraced officials, lying editors, scurrilons, degraded letter writers, and hypocritical priests, could get up, the best appointed army ever concentrated by the United States since it was a government, was on its way to execute the repeated threats of death and extermination to the Mormons, when Gov. Young, by the voice of a whole people, impelled by the first law of nature, self preservation, and in the discharge of his Constitutional duties, said to the advancing army, 'Stop!' and they did stop.

"The commissioning of high minded gentlemen authorized to enquire into the state of affairs here and ascertain the facts, was what we had asked for. We expected them to come prepared to make the necessary investigations, and report the truth, which would set us right before the country. But, gentlemen, you tell us you came not to enquire, that it was not your intention to investigate, indeed that you have *no power* to make inquiries. *Then, what are you authorized to do?* Why, to say to the citizens of the Territory of Utah that the President will not use the national bayonets to interfere with their religion,—that he will not deprive them of life, liberty and the pursuit of happiness,'—that he does not claim such a right, and does not intend [to claim] it. This, Gentlemen, as I understand it, is the substance of the Message which you have brought us. Am I not right?

"This being the case, how does it stand? Simply this way: I have left my homes with my family, kindred and friends, that were not murdered, some five different times. Willingly? Yes! because I was obliged to or fight, and I am afraid to fight. (laughter).

"I am a man of peace, and not of war. *I accept the pardon.* I may have some *serious objections* to the form in which it is couched, and to the forty-two false accusations therein. But friends, should we throw ourselves in the attitude of defence against the advancing columns of the army, it brings on hostilities and bloodshed immediately. Let us drop upon this army and crush it in pieces, and it will not end there. One hundred thousand men would probably come here to exterminate us, and to wipe out the administration's disgrace, and even all this might be a matter of moonshine. I was in favor of stopping the army last fall, we gained by that means a winter's quiet. You know a sick patient would pay a large sum of money to physicians to lengthen out a miserable existence, even for a little while. And again our religion forbids the shedding of blood, and inspires dread of the consequences; and above all things

the shedding of innocent blood. We are informed, upon reliable authority, that there are many in that army that do not thirst for our blood,—a portion of the soldiers do not want to kill us, and some of the officers do not desire our destruction; so that in coming in contact with those soldiers we would be compelled to put to death those who do not want to kill us, and in this way we might be brought into a position to shed innocent blood, though in justifiable self-defense. Had the administration sent volunteers, who in their hearts desired to murder us, and who enlisted expressly for that purpose, it would have been far different. Should we be compelled to kill them, we would kill those only, who in their hearts had desired to shed our blood, and voluntarily walked twelve hundred miles to accomplish it.”

Referring to Governor Cumming and the course he had taken in finally coming to Salt Lake City without troops, Elder Smith said:

“I held him in utter horror and destation, surrounded as I understood him to be by two thousand five hundred bayonets, and all the other appliances of a formidable army, prepared to come into the midst of our citizens, saying, ‘d—n you, submit to my will or I will pierce your vitals.’ These sentiments and feelings I had in my breast towards Gov. Cumming; and would have carried them with me to my grave, had he not at length broke out from among this forest of arms, and thrown himself into the midst of the settlements, unescorted and alone, as a citizen Governor, who said he was not an enemy, and had not come to trample upon the rights of American citizens. He showed himself brave, generous and noble by this act. He declared he did not wish to govern a people who did not want him; but was ready to fulfil the duties of his office, if desired, and I began to respect him. There is no man, who feels a greater horror and destation, than I do of a civil officer, who will not go beyond the reach of a bayonet to perform his duty; he is not a man, but a brute, who would undertake to govern freemen on such principles. I see in Gov. Cumming a manly, free, generous spirit. He says, ‘I come not to govern you as a military despot; but as a fellow citizen.’ This is right.

“What shall we do next? Shall we go out here into the mountains, and raise a mill pond,^{16½} that will compel us to shed blood? Shall we be found in this position? Or shall we with all its horns

^{16½}. The speaker has reference here to the plan that was made in Echo Canon to flood part of the canon to make it impassable.

and heels swallow the difficulty, and say, Gentlemen, walk in and fulfil your pledges, we have confidence in you. Should the pledges be violated, what better off would they be, then where they are? This is the best policy we can adopt; if they will do as they should do, and let us alone, they can pass along in safety.

* * * But, Gentlemen, if Mr. Buchanan, actually means, as he says, that the citizens of Utah should have the same privileges as other citizens of the United States, all right; but if I cock my revolver and point it desperately at your head, and say, I mean peace; my conduct looks rather suspicious; and while Mr. Buchanan points at us his artillery, Minnie rifles, and bayonets, his promise of peace looks suspicious. With draw your armies, and that act would cry louder for peace than a thousand proclamations and promises. It is hard for me to believe that peace is intended while you point your canon at our houses; and while they remain there I have good ground to suspect treachery and foul play. I lack confidence in your words unless your actions correspond.

“From my known disposition to avoid *personal danger*, (laughter) my military friends on my left, will be but little influenced by the proposals I wish to submit. I propose to say to the army, walk in gentlemen, select your camp grounds, and fulfil your orders. If we take this course, in what light will the nations view our position? The result will be that the civilized world will say, the citizens of Utah are disposed for peace, their desires are not to come into collision with the parent government, if they can honorably avoid it; and as to the long list of charges that have been enumerated against us by Mr. Buchanan in his Proclamation, the world will say,—except a few party friends,—Mr. Buchanan don’t believe them true, or he would not have pardoned them all indiscriminately; or else he does not feel able to punish them; *but his mistaken policy dictated that charges grave and serious should be enumerated in his Proclamation to ease him down from his awkward position without bursting.* Instead of this measure disgracing us in the eyes of intelligent men, it will lift us higher in the scale of humanity. *I say then let us not reject these overtures.*

Elder Smith concluded his remarks in a paragraph through which runs a fine strain of irony:

“As I said before, I have full confidence that Mr. Buchanan will not violate the pledges which he has now made to us—*unless he fully believes that it is for his own interest so to do; and in*

consequence of the '*peculiar*' condition of the Treasury, I believe that his *interests* will not prompt him to do so, during his administration."¹⁷

Following this speech there were remarks by James Ferguson, and Gilbert Clements, after which President Young closed the meeting in a speech which the original notes of the minutes characterize as "the finest effort of his life."¹⁸ Wilford Woodruff says that "he spoke in the power of God; those Commissioners heard the voice and roar of the Lion."¹⁹ Unfortunately the speech in full is not extant. One important passage is preserved in the minutes of the conference, bearing upon the settlement of matters by the conference:

"As to the gentlemen Commissioners, they have no power to investigate the past, but (are) to inquire if we will submit to the constitution and laws of the United States. We always have, and always expect to." I have no character—no pride to gratify—no vanity to please. If a man comes from the moon and says he will pardon me for kicking him in the moon yesterday, I don't care about it, I'll accept of his pardon, it don't affect me one way or the other."²⁰

In concluding the conference, President Young called upon William C. Dunbar to sing "Zion"; or, as stated in the original notes of the minutes of the conference, "O, Ye Mountains high,"²¹ etc.

17. The speech complete will be found in Hist. of Brigham Young, Ms., entry for June 12th, 1858, pp. 639-653.

18. Original notes of minutes, Filed Documents, June, 1858.

19. Woodruff's Journal, Ms., entry for June 12th, 1858.

20. Minutes of Conference with Commissioners, in Hist. Brigham Young, Ms., June 12th, 1858, pp. 653-4. Later at Provo, in remarks at a public meeting, on the same subject, President Young said: "We have no shirt collar dignity to sustain, for we have no character [i. e. reputation] only such as our friends and enemies give us: it is only a shadow and we are willing that they should have the shadow, and make the name of our President [Buchanan] honorable if we can." Discourse at Provo, June 27th, 1858, *Deseret News*, Vol. VIII, p. 86.

21. See original notes of minutes, p. 8, Church Documents, File of 1858. "Zion" is a thrillingly heroic, Mormon song, written in the spirit of the times by Elder Charles W. Penrose, a young, active missionary in England, who had not then been in Utah or America, but is now (1913) second Counselor in the First Presidency of the Church. Two of the stanzas, and one of the refrains, whence the song gets its name, "Zion," follows:

At five p. m. Commissioner Powell addressed a public meeting in the Council House on the General Situation in Utah, and the results of the Peace conference. No formal action seems to have been taken during the conference on accepting President Buchanan's Proclamation of pardon, but it appears to have been the general understanding that it was accepted; and upon that understanding Messrs. Powell and McCulloch, on the very evening the conference closed—June 12th—hasten to write the Secretary of War, saying:

"We have settled the unfortunate difficulties existing between the government of the United States and the people of Utah. * * * They will cheerfully yield obedience to the constitution and laws of the United States. They [the Mormons] consent that the civil officers shall enter upon the discharge of their respective duties. * * * No resistance will be made to the officers, civil or military of the United States, in the exercise of their various functions in the Territory of Utah."²²

This message was sent by special express to Camp Scott, thence to be forwarded to the east with all speed. On the 26th of June a more extended report was made to the War Department, giving in some detail the proceedings of the Peace Conference

"In thy mountain retreat, God will strengthen thy feet;
On the necks of thy foes thou shalt tread;
And their silver and gold, as the Prophets foretold,
Shall be brought to adorn thy fair head.
* * * *

"Here our voices we'll raise, and we'll sing to thy praise,
Sacred home of the Prophets of God;
Thy deliv'rance is nigh, thy oppressors shall die,
And the Gentiles shall bow 'neath thy rod.
* * * *

"O Zion! dear Zion! home of the free;
In thy temples we'll bend, all thy rights
We'll defend
And our home shall be ever with thee."

Some months following the Peace Conference, Governor Cumming told President Young that Commissioner Powell had said that he would "never forget the name of Dunbar, as Gov. Young had called upon him to sing at the end of the Peace Conference—*He sang a comic song.*" Powell thought it was such a ludicrous movement, it almost looked as though he (Young) regarded the conference as a farce." (Hist. Brigham Young, *Ms.*, entry for Nov. 12th, 1858, pp. 1082-3). Either Commissioner Powell had a strange sense of humor, or else he had in mind some other song rendered during the conference meetings, of which there were quite a number.

22. Letter of Commissioners to Secretary of War. House Ex. Doc. 35th Cong., 2d Sess., Vol. II, Pt. II, pp. 167-8.

and quite fairly representing the contentions of the Church leaders, in which they are represented as saying—

“They stated that they were attached to the Constitution and government of the United States; they spoke harshly of many of the officials who had held office in the Territory: they spoke of the wrongs and injuries heretofore done them; they said they desired to live in peace under the Constitution of the United States. They denied that they had ever driven any official from Utah, or prevented any civil officers entering the Territory; they admitted that they burnt the army trains, and drove off the cattle from the army last fall, *and for that act they accepted the President's pardon. All the charges that had been made against them except the one last named, they denied.*”²³

On the 3rd of July the Commissioners addressed a supplemental report to the Hon. Secretary of War, being a statement of their procedure up to that date—the eve of their departure for the east. Later, namely August the 24, they filed with the Secretary of War, at Washington, the official minutes of the Peace Conference, signed by Brigham Young.²⁴ These minutes are of such importance that they are given here in full with the following explanatory note by the Commissioners:

23. House Ex. Doc. 35th Cong., 2d Sess., Vol. II, Pt. II, pp. 168-172.

24. Albert Carrington took the minutes of the Peace Conference, and J. V. Long and Leo Hawkins are named as stenographers, and reported the speeches. But with the exception of the speech of Geo. A. Smith our Church annals do not show that any of these speeches were transcribed from the short hand notes. President Young, it appears, promised the Commissioners copies of the minutes and of their speeches; but for some reason these were not furnished the Commissioners until upon the very eve of their departure. The first draft of the minutes, with their remarks, sent to the Commissioners were very unsatisfactory. Powell would not even attempt to correct them, saying that the report put language into his mouth he never used, and omitted many of his most important remarks. He refused to correct such a document; but said if a correct report of his speeches were sent to him, also the questions he answered, and the speeches of the Mormons to which he replied were sent in accordance with the promise of Brigham Young, he would correct the report and return it to them.” (See correspondence to the N. Y. *Herald*, letter dated at Salt Lake City, 2d July, 1858. Hist. Brigham Young, *Ms.*, 31st July, 1858, pp. 841-2). Several consultations were had between Elder Carrington and the Commissioners, the latter showing vexation in the matter, and great anxiety lest “the reports of the conference would be published without the revision of their speeches. Carrington informed them that he did not do things in that style, and assured them that we would not publish any thing that was said on that occasion, without the concurrence of the speakers.” (See History of Brigham Young, *Ms.*, entry for July 3d, 1858, pp. 761-2, also pp. 759, 760). Finally Carrington took the Commissioners to President Young and the matter of the minutes was settled to their satisfaction. President Young signing the minutes of the conference agreed upon, which were afterwards filed as official documents in the War Department at Washington, as stated in the text.

Washington, D. C.,
August 24, 1858.

Dear Sir: We have enclosed herewith a copy of a paper containing a concise statement of what was said in the conference held in Great Salt Lake City on the 11th and 12th of June last, which is certified by Ex-Governor Brigham Young, as correct.

We have the honor to be, very respectfully, your obedient servants

L. W. Powell,
Ben McCulloch,

Commissioners to Utah."

Minutes of Conference between Peace Commissioners L. W. Powell and Ben McCulloch and Brigham Young and other Mormon Church leaders:—Official.

In the conference held in Great Salt Lake City, on the 11th and 12th of June, 1858, L. W. Powell and Ben McCulloch, commissioners to Utah, and ex-Governor Brigham Young and others, touching difficulties between the United States government and the people of the Territory of Utah, Governor Powell in behalf of the Commissioners, said in substance, as follows:

He stated the object of the mission, and distinctly made known the views and intentions of the President concerning the people of Utah. He stated that the Commissioners had no power to make any treaty or compact with them. The object of the mission was to make known to the people of Utah the policy the President intended to pursue toward them, and to induce them to submit quietly and peaceably to the authority of the United States.

He stated that it was the determination of the President to see that the authority of the United States be maintained in Utah, and that the Constitution and laws of the nation should be enforced and executed in this Territory; that the President would send the army of the United States to the valley of the Great Salt Lake, in such numbers, at such times, and to such places in the valley or other parts of the Territory, as he might think the public interest demanded, and retain it there as long as he should think the interest of the United States required him to do so.

That such military posts would be established in the Territory of Utah, and in the valley of Great Salt Lake as the Secretary of War should think necessary to protect the emigration to and from the Pacific, prevent Indian depredations and to act as a *posse comitatus* to enforce the execution of civil process should it be necessary. He said that the object of the President in send-

ing a portion of the army to Utah, was to enforce the execution of the laws, and protect the civil officers of the government in the exercise of the duties of their offices, that in the event the inhabitants of the Territory quietly and peaceably submitted to the execution of the laws of the United States, and would peaceably receive the officers of the government appointed for Utah, and permit them without resistance to exercise the various functions pertaining to their respective offices, there would be no necessity for the army to be used to enforce obedience to the civil authority. If they should refuse to receive in a peaceable manner the officers of the government, or should in any way resist the execution of the laws of the United States within the Territory, the President would employ if necessary the entire military power of the nation to enforce unconditional submission and obedience to the Constitution and laws of the United States.

If the civil officers of the Territory were peaceably received and no resistance made to them in the discharge of their official duties, the army then in the Territory, or such portion of it as might hereafter be sent there, would only be used to protect emigrants and inhabitants from Indian depredations.

We stated that it was not the intention of the President, in sending a portion of the army to the Territory to deprive the people of Utah of any of their constitutional rights, but to see that the authority of the United States was respected, the civil officers protected and obedience yielded to the Constitution and laws, as enjoined by the President in his proclamation; should they quietly and peaceably submit to the authority and laws of this country, the army would be used as promptly to protect them in all their constitutional rights as it would be to compel obedience to the authority of the United States.

We called their attention to the proclamation of the President which had been distributed among them.

We stated that the President, in order to avoid the effusion of blood, and to cause them to return to their allegiance to our common country, had deputed the Commissioners to make known to them the designs and intentions of the government, and the policy that would be pursued towards the people of Utah, which we had now done. We stated that the President asked nothing of them but what it was their duty as good citizens to perform, and that we trusted our mission would result in the restoration of peace, quiet, and order in the Territory.

We further stated that the commissioners had no power to give an order to the army, but that we had conferred with General Johnston, and that his army would not march to

the valley of Great Salt Lake until he received information from us; that we did not know where General Johnston would make his permanent posts when he arrived in the valley of Salt Lake. General Johnston, however, told us that it was not his intention to station his army in or very near one of their large cities; that such a location would be calculated to demoralize the army; that he wished to make his permanent posts where wood, water, and grass were abundant. Governor Young expressed a desire that the commissioners would investigate certain charges that had been made against the people of Utah, to wit: as to whether the Mormons had killed Lieutenant Gunnison's party and Colonel Babbit, and burned the records and library of the federal court, and the truth of the charges made by Judge Drummond and others. The Commissioners declined to go into the investigation desired for the reason that such an investigation was not within their instructions, and that it was impossible for them to do so if they desired it, for want of evidence and time.

Ex-Governor Young and others state that they were and had ever been attached to the Constitution and government of the United States, and desired to live in peace and quiet under the government; they denied all the charges that had been made against them, except the burning of the army trains and driving off the cattle from the army last fall; that they admitted and for that they accepted the President's pardon; they claimed that they were more ardently attached to the Constitution of the United States than others who made charges against them. Upon the President's views and intentions being made known as set forth herein, it was agreed that the officers, civil and military of the United States should peaceably and without resistance enter the Territory of Utah, and discharge, unmolested, all their official duties.

Great Salt Lake City, July 3, 1858.

"I have examined the foregoing statement of the substance of what was said in the conference held at Great Salt Lake City, Utah Territory, on the 11th and 12th of June, 1858, by Governor Powell and Ben McCulloch, Commissioners to Utah, and ex-Governor Young and others, touching the difficulties that existed between the United States government and the people of Utah; the statement in writing examined by me is contained in six pages, hereto attached, and is, in substance a correct synoptical

statement of what was said in said conference; the above is correct as far as I can recollect at present.

(Signed) BRIGHAM YOUNG.²⁵

Referring back to the sequence of events at the close of the Peace Conference, the commissioners not only sent off their message to the War Department, under date of June 12th, as already stated, but by the same express they sent a similar message to General Johnston, with the statement that the houses, fields, and gardens of the people, particularly in and about Salt Lake City, were very insecure, and the animals of the army would cause great destruction if the greatest care should not be observed in the march, and in selecting camps. The people were also apprehensive that after the army had reached the valley it would not properly respect their persons and property. The Commissioners had given assurances that they would not be molested in these respects, but suggested to General Johnston that it would be well for him to issue a proclamation to the same effect, as it would greatly allay the anxiety of the people. In reply General Johnston congratulated the Commissioners upon the successful termination of their mission, and issued the suggested proclamation in which he said:

From General Johnston's Proclamation.

"I * * * assure those citizens of the Territory who, I learn, apprehend from the army ill treatment, that no person whatever will be in any wise interfered with or molested in his person or rights, or in the peaceful pursuit of his avocations; and, should protection be needed, that they will find the army (always faithful to the obligations of duty) as ready now to assist and protect them as it was to oppose them while it was believed they were resisting the laws of their government."

The General announced to the Commissioners his intention of leaving his encampment on Bear river on the 17th of June; his expectation of reaching Salt Lake City in five days; and closed

25. House Ex. Doc. 35th Cong., Vol. II, Pt. II, pp. 175-177. Very brief minutes of the Conference with the promise that "a full report of the sayings and doings at the conference will be furnished by the reporters as soon as they can transcribe their notes"—appears in the *Deseret News* of June 23d, 1858. It was this declaration of intention which made the Commissioners apprehensive of the reports of their speeches.

with the declaration—"I desire to encamp beyond the Jordan on the day of the arrival in the valley."²⁶

On the 14th of June Governor Cumming issued his proclamation of the acceptance and now effective operation of President Buchanan's Proclamation of Pardon to the people of Utah, saying—

"Whereas, The proffered pardon was accepted, with the prescribed terms of the proclamation, by the citizens of Utah; Now, therefore, I, Alfred Cumming, governor of Utah Territory, in the name of James Buchanan, President of the United States, do proclaim that all persons who submit themselves to the laws and to the authority of the federal government are by him freely and fully pardoned for all treasons and seditions heretofore committed. All criminal offences associated with or growing out of the overt acts of sedition and treason are merged in them, and are embraced in the "free and full pardon" of the President. And I exhort all persons to persevere in a faithful submission to the laws and patriotic devotion to the Constitution and government of our common country.

"Peace is restored to our Territory."

26. All the above communications referred to in the text will be found in House Ex. Doc. 35th Cong., 2d Sess., Vol. II, Pt. II, 119-121. As already stated in a previous note, General Johnston began his march to Salt Lake City on June the 13th. The scene in breaking up the long halt at Camp Scott, at once imposing and staged in a dramatic setting, is thus described by the writer for the *Atlantic Monthly*, (April, 1859, pp. 486-7): "On the 13th of June, the long camp was broken up, and the army moved forward in three columns on the route through the canons. Although the season was so far advanced, snow had fallen at the Fort only three days before. The streams were swollen and turbulent with spring floods, and difficulty was anticipated in crossing the Bear and Weber Rivers. Material for bridging had, therefore, been prepared, and accompanied the first column. Southwest of the Fort, at the distance of four or five miles, a singular *butte*, the top of which is as level as the floor of a ball-room, rises to the height of eight hundred feet above the valley of Black's Fork, and commands a view of the entire broad plateau between the Wind River and the Uinta and Wasatch Ranges. Little parties of horsemen could be seen spurring up the gullies on its almost precipitous sides, to witness from its summit the departure of the army. The scene was in the highest degree picturesque. Almost at their feet lay the camp, the few tents which remained unstruck glittering like bright dots on the wing of an insect; the whitewashed wall of the Fort reflecting the sunshine, while stacks of turf chimneys, lodge-poles, and rubbish, marked the spots where the encampment had been abandoned. The whole valley was in commotion. Along the strips of road were winding clumsy baggage-trains; the regiment of dragoons was trailing in advance; the gleam of the musket-barrels of the infantry was visible on all sides; and every puff of the breeze that blew over the bluff was freighted with the rumble of artillery-carriages and caissons. Here and there were groups of half-naked Indians galloping to and fro, with fluttering blankets, gazing at the show with the curiosity and delight of children."

The proclamation was signed by "A. Cumming, Governor; and John Harnett, Secretary."²⁷

Meantime there was no movement among the people to return to their homes from the settlements of the south. The question uppermost in their minds, and in the minds of the Church leaders was—would the army conduct itself in harmony with the pledges of the Governor and the Peace Commissioners? Their past experiences with state military commanders, and state militia, justified their scepticism. Would the army pass through Salt Lake City without quartering itself there? And would it choose a permanent encampment sufficiently removed from that city and other settlements that the distance itself would afford practical separation between the people and the soldiery? For this, both the Church leaders and the people required stronger guarantees than verbal promises or written proclamations.

On the 16th of June the people of Provo and the rear division of the moving caravan south, were addressed, on invitation of the Church leaders, by Commissioner Powell. The speech, a most admirable and patriotic one, was well received by the people, and many of its utterances cheered. Yet it was frank in its assertion of what was expected of the people; and equally emphatic in its expression of the purpose and duty of the government towards the people. In proof of which the following excerpts are given:

The Federal Government demands nothing of you, fellow-citizens, today, which it does not require of the inhabitants of every State and Territory within the Union, that you shall be obedient to the laws of your country, that you will respect the civil authority, and that its officers shall be received by you and enter on the discharge of their duties unmolested. All this I am happy to say you assure me you are willing to yield, and you claim that you have never been otherwise.

"Another matter—the stationing a portion of the National Army among your settlements—was a topic of debate. The President claims and will exercise the right to send the army whenever he pleases, wherever his judgment directs. Indeed it is necessary for him to have that right in order to perform the

27. House Ex. Doc. 35th Cong., 2d Sess., Vol. II, Part II, p. 113.

functions of his office. His intention in sending troops to this valley was not to despoil you of any rights, civil, political, or religious, but to see that the authority of the nation was respected, and the laws executed in this Territory."

On the side of the duties of the government to the people, Commissioner Powell said:

"I have told you what the government requires of the people of this Territory, and you have told me that you will comply with its requirements. I assure you now that it will sustain you in all your constitutional rights, will listen with patience and attention to the details of any grievances of which you may complain, and will protect you in all your rights guaranteed by the national Constitution, using its military power for that purpose, if necessary. Should it fail in these promises I will be the foremost to denounce it. I believe that I express the feelings of the President of the United States upon this subject. His desire is that you will submit quietly to the laws. He asks nothing more of you. He has acted in this matter according to the duties imposed on him by his official oath. But I trust that all is settled. I hope that seeds of contention will not germinate among the people of this Territory. War is a calamity which I ever would avert, but if we do ever come to war, I hope it will be to vindicate the honor of our national flag. I want to see our soldiers facing the enemies of the Republic, but American fellow citizens—never! If this day the nation should be so unfortunate as to become involved in war, and the government should call on the people to fly to arms to maintain our Republican Union and glory, *I hope there would be more than one Mormon Battalion to rally to battle for our common country.* (Cheers)."

The following patriotic sentiment would find warm echo in the hearts of the people, for it was in strict harmony with their own principles;

"There is a providence which has disentangled this country from many such difficulties [i. e. such as had arisen in the Utah-Federal misunderstanding]. *It is God who rules our destiny.* * * *

* * * A nation badly governed would have been incapable of such progress. Why, then, should there be any people, here or elsewhere, who should hesitate to acknowledge their loyalty to that government and its institutions? There may occasionally come a little difficulty, but I tell you that whether it

comes in Pennsylvania, South Carolina, or Utah, it will die out. I know there is patriotism enough in the nation if any part of the people refuse obedience to the laws, to enforce submission. But I believe there ought never to be occasion for the government to use force to compel its children to submit. It is a government whose right to existence is the love of the people, and if it ever ceases to deserve that love, *then farewell to the Constitution and the Union of the States.*"²⁸

The march of the army through Salt Lake City was made on the 26th of June. General Johnston so managed his previous day's march as to enter the valley from Emigration Canon early in the morning, in order to be able to make the march to a point west of the Jordan river in one day, and thus avoid the necessity even for a single encampment within the city limits. The city was deserted, by the Latter-day Saints and their leaders, except for a few guards left to watch the passage of the army, and a number of "Gentile civilians" who chose to remain. The order of the march was as follows:

- (1) Brevet Col. C. F. Smith's battalion, constituting the advance guard;
- (2) Tenth infantry and Phelps' battery;
- (3) Fifth infantry and Reno's battery;
- (4) Co. Loring's battalion of mounted riflemen;
- (5) Volunteers;
- (6) Colonel Cook's second dragoons constituting the rear guard;

Each command was followed by its train and a portion of the supply train;

The head quarters were with the advance.²⁹

The commissioners rode with the General's staff. The bands played at intervals during the day's march; other than this and the necessary noise of the supply trains dragging their snail pace along South Temple street, the march was undemonstrative and noiseless; in fact so marked was the "stillness," that one writer supposed to be a correspondent with the Expedition said that it was so profound, "that during the intervals between the

28. *Deseret News*, July 14, 1858, where the speech is published in full.

29. See General Orders No. 30. House Ex. Doc. 35th Congress, 2d Sess., Vol. II, p. 119; and report of Gen. Johnston to army headquarters of the 28th of June from Camp "near Salt Lake City," *Id.*, p. 121.

passage of the columns, *the monotonous gurgle of City Creek struck on every ear.*"³⁰

Col. Cooke at the head of the 2nd dragoons, constituting the rear guard of the Expedition, "passed through the City with his head uncovered, as a token of his respect for the Mormon Battalion,"^{30½} and thereby further endeared himself to his old command.

General Johnston kept his promise as to the good order in which the march should be conducted through Salt Lake City, as also in camping beyond its limits:

"Not a field was encroached upon, not a house molested, not a person harmed or insulted, by troops that had been so harassed and vituperated by a people now entirely at their mercy. By their strict subordination they entitled themselves to the respect of the country as well as to the gratitude of the Mormons."³¹

To this word from within the camp, should be added the testimony of Brigham Young, given in Provo, the day following the march of the army through the city:

"What is the present situation of affairs? For us the clouds seem to be breaking. Probably many of you have already learned that General Johnston passed through Great Salt Lake City with his command under the strictest discipline. Not a house, fence, or side walk has been infringed upon by any of his command. Of course the camp-followers are not under his con-

30. *Atlantic Monthly*, April, 1858, p. 490. That writer also gives the following vivid description of the march through the city: "It was one of the most extraordinary scenes that has occurred in American history. All day long, from dawn till after sunset, the troops and trains poured through the city, the utter silence of the streets being broken only by the music of the military bands, the monotonous tramp of the regiments, and the rattle of the baggage-wagons. Early in the morning, the Mormon guard had forced all their fellow-religionists into the houses, and ordered them not to make their appearance during the day [an error this, the people long before had left the city as stated in the text]. The numerous flags, which had been flying from staffs on the public buildings during the previous week, were all struck. The only visible groups of spectators were on the corners near Brigham Young's residence, and consisted almost entirely of Gentile civilians.

30½. Hist. of Brigham Young, *Ms.*, entry for June 26th, 1858, pp. 735-6. Sometime later, when Col. Cooke and Captain Marcy made a formal call upon President Young at his office, Heber C. Kimball "blessed" Col. Cooke "for his kindness to the Battalion boys." *Id.*, entry for Aug. 10th, 1858, p. 923).

31. *Ibid*, p. 491.

trol; but so far as his command is concerned while passing through the city, *he has carried out his promises to the letter.*"³²

During the Peace Conference, Cache Valley, about eighty miles north of Salt Lake City, was urged upon the attention of the Commissioners by the Church leaders as the most desirable place for the permanent location of the army; but it was rejected because considered too far removed from the centre of population, and Cedar Valley, thirty-six miles distant from Salt Lake City, and west of Utah Lake—from which it is separated by a ridge of mountain and some low hills on the north—was selected instead; and which in a few days the army reached and began the preparation of their permanent quarters.

With the marching of the army into its permanent quarters, removed some considerable distance from the settlements of the Saints, as per agreement, there remained no longer any reason why the people should not return to their homes, and accordingly the announcement was made on the 30th of June, at Provo, that—

"All who wish to return to their homes in Great Salt Lake City are at Liberty to do so."

President Brigham Young on that date, with an escort of thirty men from Provo, commanded by Captain Wm. Wall, led the return;³³ and the movement "back home" began along the

32. From a discourse delivered in Provo, June 27th, *Deseret News*, July 14th, 1858. There was some slight trespass upon fenced fields west of the Jordan, some crops destroyed, and fencing used, the property of Joseph Young, brother of Brigham Young, for which and for the damage done to the pasturage hitherto used by the people, compensation was claimed, but not allowed. Major Dickens, and Captain Marcy, to whom the matter was referred, denying the responsibility of the army for the damage done (see Hist. Brigham Young, *Ms.*, July 14, 1858, p. 782, and August 19, p. 937). George A. Smith declares that there was a mile of post and pole fencing burned, and about one hundred tons of hay used by the army while encamped on the Jordan. (Letters to Stenhouse, Hist. of Brigham Young, *Ms.*, July 9th, 1858, p. 775).

33. History of Brigham Young, *Ms.*, entry for the 30th of June, 1858, pp. 758-9. Of course the "return home" movement had been a foregone conclusion for some time, if the agreement entered into with the Peace Commissioners on the 12th of June, was carried out. The usual representations made that either on the 4th or 5th of July (the dates are wrong, President Young's return was made as stated in the text—"The First Presidency and a few others left Provo at 6 P. M. of June 30, and arrived at their homes in Great Salt Lake City at 3 A. M. of July 1st. All who wish to return are at liberty to do so"—Editorial, *Deseret News*, July 14th, 1858, issued at Fillmore) after both Governor Cumming and the Commissioners

whole caravan of wagons extending in a broken line from Provo to many of the southern settlements of the Territory.

An unusual rain fall during the month of June, that year had assured a fairly good grain and fruit crop; and the peaceful pursuits of an industrious people and an orderly community life were permitted to resume their wonted course.

President Buchanan, on the 10th of June, having received Governor Cumming's despatches of the 2nd of May to the effect that he had every where been received as governor of Utah, and that the difficulties in Utah were in a fair way of peaceful settlement, sent a special message to congress congratulating that body upon "this auspicious event," and suggesting that it would not now be necessary to make any appropriation for the purpose of calling out and equipping the two regiments of volunteers authorized by a special act of congress in April previous.³⁴

In his annual message to congress in December following the President recapitulates at some length the Utah events of the year, which resulted in the settlement of the differences "without the effusion of blood."

He lauds the course which had been followed by the administration; justifies the sending of the Expedition, and the preparations for sending the very large re-enforcements that were called for, holding that "a less decisive policy would probably have resulted in a long, bloody, and expensive war." The army and its officers, Governor Cumming, the Commissioners, *Messrs.* Powell

had pleaded in vain with the people to return to their homes, and Governor Cumming had announced his intention of publishing a proclamation advising the people to return—that then Brigham Young said to the Governor, "Do as *you* please, I shall get upon the tongue of my wagon and tell the people that *I* am going home, and *they* can do as *they* please"—and that this was done, (see Tullidge, Stenhouse, Waite, Linn et al.)—scarcely comports with the facts in the case; and is evidently related to exhibit Brigham Young's alleged arbitrary power over the people. As before stated, the matter of returning to their homes had been a foregone conclusion for some time, the people were anxious for it, and only awaited the passage of the army to its permanent quarters, in good faith, to begin the home movement. The matter had been discussed by Brigham Young at the Sunday public meeting in Provo, on the 27th of June, where he announced the orderly passage of the army through Salt Lake City. He then said: "So soon as General Johnston finds a place to locate his command—when we get news what he is going to do with his troops—*we will go home*. Women, do not induce your husbands to go home just yet, but wait until the proper time. It will not be long first." (*Deseret News*, July 14th, 1858.) Three days later the permission to return home was published as related in the text.

34. Messages and Papers of the Presidents, Vol. V, p. 487.

and McCulloch, and Col. Thomas L. Kane³⁵ are all commended for their services, and the President recommends that the benefits of "our land laws and pre-emption system be extended to the people of Utah, by the establishment of a land office in that Territory."³⁶

35. His passage on Col. Kane is as follows: "I cannot, in this connection, refrain from mentioning the valuable services of Col. Thomas L. Kane, who from motives of pure benevolence and without any official character or pecuniary compensation, visited Utah during the last inclement winter for the purpose of contributing to the pacification of the Territory."

36. Messages and Papers of the President, Vol. V, p. 503, *et seq.*

Historic Views and Reviews

RARE AMERICANA

THACHER AUTOGRAPHS SOLD—UPSET PRICE FOR FINE SET OF SIGNERS OF THE DECLARATION NOT BID

The sale of the autograph collection of the late John Boyd Thacher of Albany, N. Y., critical scholar, bibliographer, and author, was made Oct. 30-31, 1913, at the Anderson Company's auction rooms. By order of Mrs. Thatcher the fine set of signers of the Declaration of Independence was offered as one lot at an upset price of \$25,000, but as this amount was not bid, the set was withdrawn.

An important document signed by the Comte de Frontenac, Governor of New France, dated Montreal, Sept. 16, 1693, was bought by Dodd & Livingston for \$700. It is a certificate of bravery given to the Sieur de Lespinay in rallying the French soldiers against the British and the Iroquois Indians in August, 1691, during "King William's War."

The same bidders obtained for \$750 a folio broadside publication of the Declaration of Independence, printed by John Dunlap in Philadelphia during the evening of July 4, 1776. It was the first broadside publication of this document. Only about ten extant copies are known.

An interesting letter of John Adams, dated Quincy, Nov. 2, 1815, in which he says "the history of the United States never has been written and never can be written," went to Joseph F. Sabin for \$41. Dodd & Livingston paid \$30 for a short autograph document signed by Richard Bellingham, Governor of New England, and George D. Smith gave the same amount for a letter of Richard Coote, Earl of Bellomont, Colonial Governor of New York.

A document dated Plymouth, June 4, 1679, and signed by William Bradford, second son of Gov. William Bradford, and John Alden, the hero of the "Priscilla legend," went to Mr. Smith for \$260. He also paid \$140 for a deed of sale, Nov. 7, 1728, signed by William Bradford, the first printer in Philadelphia and New York, and \$42.50 for a letter of the Comte de Charni, naval officer under Francis I.

Mr. Smith gave \$55 for a letter of George Clarke, Governor of New York; \$100 for two letters of Cadwalader Colden, dated respectively "Fort George, New York, June 6, 1762," and "Fort George, New York, March 3, 1765," and \$43 for a document signed by Edward Hyde, Lord Cornbury, another Colonial Governor of this State.

G. P. Wetmore gave \$85 for a letter of Jonathan Edwards, Gerhard & Co., \$200 for a letter of Gov. Benjamin Fletcher of New York, and Dodd & Livingston \$72.50 for a letter of Gov. Joseph Dudley of Massachusetts. The same firm paid \$75 for a letter of Sir Charles Hardy, Governor of New York, and \$90 for a letter of John Hancock.

The original deed for the purchase of Rensselaerswyck Manor from the Indians, in 1630, signed by Peter Minuit, first Director General of New Netherlands, was sold for \$1,710, to George D. Smith. The document is in Dutch and written on vellum. It was Peter Minuit who purchased Manhattan Island from the Indians. The same bidder obtained for \$220 an autograph letter of Pierre le Moyne, Sieur d'Iberville, founder of Louisiana who visited the mouth of the Mississippi in March, 1699, where he built Fort Biloxi, the first post. The letter is dated LaRochelle, Aug. 15, 1699, and in it he speaks of returning to America. For another letter of his Mr. Smith paid \$110, and for a letter of Joseph, brother of d'Iberville, \$86.

A document dated May 7, 1679, and signed by Louis Jolliet, the explorer, who was with Marquette, the first white man to reach the Mississippi River, went to Mr. Smith for \$425. A patent of land, dated May 27, 1643, and signed by Willem Kieft, Governor of the New Netherlands, brought \$195.

A deed of transfer, dated Quebec, Nov. 20, 1683, signed by Sieur de La Salle, was knocked down to Mr. Smith for \$340, and

he paid \$185 for a warrant dated Fort William, Dec. 14, 1689, and signed by Jacob Leisler, Governor of New York.

Dodd & Livingston gave \$90 for a land grant, Oct. 8, 1670, signed by Francis Lovelace, the second British Governor of New York. Albert C. Meyers paid \$110 for a letter of William Penn, signed with his initials. A letter of Gen. Philip Schuyler, April 29, 1781, to Gen. Clinton, went to Mr. Chalmers for \$110. For a letter of Pieter Schuyler, Governor of New York, and first Mayor of Albany, \$111 was paid by Mr. Smith.

Two letters of Gov. William Shirley, who planned the expedition to Cape Breton in the French and Indian War, went respectively to the New York State Library for \$135 and to Dodd & Livingston for \$85. A document signed by Capt. Myles Standish, choosing Gov. William Bradford to represent Massachusetts at the Congress of 1647, was bought by Dodd & Livingston for \$525.

Mr. Smith paid \$165 for a land patent dated Fort Orange, Oct. 25, 1653, and signed by Pieter Stuyvesant, the last Dutch Governor of the New Netherlands. He also obtained for \$151 a document signed by Henri de Tonty, who was with La Salle when he descended the Mississippi, and for \$165 a document signed by the Marquis de Tracy, Governor of Canada and famous for his subjection of the Iroquis.

Three lines in the autograph of Wouter Van Twiller, Governor of the New Netherlands, "Walter the Doubter" of Washington Irving's "History of New York," went to Dodd & Livingston for \$200. They also paid \$275 for a two-page letter of George Washington, dated Bladensburg, March 27, 1791. A letter of the Rev. John Williams, "The Redeemed Captive," who was for a long time a prisoner of the Indians, brought \$50. Dodd & Livingston obtained a document, signed by Roger Williams, for \$450, and had to bid \$240 to get a letter of Gen. James Wolfe, conqueror of Quebec, written in French.

The total for the sale, was \$13,189.

DECEMBER, 1913

AMERICANA

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Arthur Wentworth N. Eaton

AMERICANA

December, 1913

Alexander McNutt, The Colonizer

BY ARTHUR WENTWORTH HAMILTON EATON, D.C.L., F.R.S.C.

I

IN early annals of the province of Nova Scotia many notices are to be found of a remarkable and hitherto rather mysterious person known commonly as "Colonel" Alexander McNutt. It is a far cry from western Virginia to Nova Scotia, but in western Virginia local history also we are confronted with occasional statements concerning this man. McNutt was reared in Virginia, his parents, of the Scotch-Irish race, having probably brought him from Ireland to Pennsylvania at about the age of five years. Of the family from which he and his brothers sprang we have almost no knowledge, it was one of the many thrifty Scotch-Irish families that came out to Pennsylvania between 1728 and 1740, and scattering through the counties of Chester, Lancaster, Cumberland, and York, and multiplying rapidly there, at last spread over wider areas of Pennsylvania, and penetrated into more southern colonies, where wild, unbroken forests still remained. In the successive migrations from Ireland to Pennsylvania there were many families named McNutt, McNaught, McNitt, and McKnight, and one of these, the Christian name of whose head was possibly Alexander, after 1732, following in the wake of the pioneer John Lewis and his brawny sons, with sturdy courage travelled south into that wide Virginia region known as the County of Orange, west of the Blue Ridge, and there, like many others of his countrymen, cleared a farm and began life anew. In 1738 the county of

Augusta was organized from the county of Orange,¹ and from Waddell's "Annals of Augusta County" we learn that by this time in the great Shenandoah Valley county, the Scotch Irish had become very numerous, families existing there bearing the names, among others, of Alexander, Anderson, Bell, Breckenridge, Buchanan, Caldwell, Campbell, Craig, Crawford, Cunningham, Davison, Dickinson, Dunlap, Hays, Herison, Kerr, Lewis, McNutt, Patton, Stuart, and Thompson. Of these people in general, we know that no better stock has ever been transplanted to our shores, they were plain, frugal, hardy, intelligent farmers and artisans, full of courage, dominated by the Calvinistic faith, willing and able to endure hardships, and bound to produce men who should by and by come to places of high control in American life. Of the McNutt family in the beginning we know, as we have said, almost nothing. The eleventh governor of Mississippi, Alexander Gallatin McNutt, born in 1801 or 1802, is said to have been a great-grandson of its founder, and whatever the first name of the Virginia pioneer may have been, it is clear that the subject of the present sketch was one of his sons.²

The first notice of any kind we have of the man known as "Colonel" Alexander McNutt is in connection with the settlement of Staunton, the capital of Augusta county, Virginia, in 1750. In the laying out of that town, the historian Joseph A. Waddell informs us, "Alexander McNutt purchased for three pounds the lot of forty-eight poles adjoining and east of the present jail lot, where the Bell Tavern afterwards stood."³ That the buyer of this lot was "Colonel" McNutt seems evident from the statement of Mr. Waddell that "while living in Nova Scotia in 1761 McNutt executed a power of attorney authorizing his brother John to sell and convey his real estate," in pursuance of which instrument, "John McNutt, on August 16, 1785, conveyed to Thomas Smith, in consideration of £110, lot No. 10 in Staun-

1. One historian that we have seen says that it was organized in 1745.

2. A volume called "Genealogies and Reminiscences," published in Chicago in 1897, attempts a genealogical sketch of the Virginia McNutt family, but a comparison of this sketch with facts we shall give as our paper proceeds will show the Chicago author's almost entire ignorance of the family.

3. "Annals of Augusta County, Virginia, from 1726 to 1871," by Joseph Addison Waddell, Second Edition, revised and enlarged, published by C. Russell Caldwell, Staunton, Va., 1902, p. 72.

ton, which was purchased by Alexander in 1750 for £3, as stated on page 72."⁴

The second notice we have of Alexander McNutt is in connection with an attempted raid, by order of Governor Dinwiddie of Virginia, on a remote village of Shawnee Indians on the Ohio river, in 1756. In this obscure expedition, which is commonly spoken of as the "Sandy Creek Expedition," as a young militia lieutenant, or probably captain, McNutt took part, our knowledge of this fact coming from established Virginia local tradition and from an evident casual mention of McNutt in a letter of Governor Dinwiddie, in which the latter, relating the preparations made for the expedition says: "One Capt. McMett⁵ and some others proposed some men on a voluntary subscription." The chief command of this expedition had been given by the governor to a certain Major Andrew Lewis, probably one of the sons of the pioneer John Lewis, and tradition has it that during its progress McNutt kept a journal in which he commented unfavorably on his superior officer's judgment and skill. Sometime after the event he handed his journal to the governor, and when Major Lewis knew of the facts he was so angry that on next meeting McNutt in the street of Staunton, he attacked him and the two had a knock-down fight.⁶ Whether this public quarrel between

4. *Annals of Augusta County* (1902), p. 230. It is said further, p. 231, that John McNutt, brother of Alexander, "settled on North River, Rockbridge." This is a mistake, in 1765 he settled, as a blacksmith, in Nova Scotia, and in Nova Scotia he thereafter lived until his death.

5. The spelling "McMett," in Dinwiddie's letter, may be a mistake of the printer. At any rate the reference seems to show that Dinwiddie had only a slight acquaintance with McNutt.

6. In Alexander Scott Withers' "Chronicles of Border Warfare," first published in Clarksburg, in northwestern Virginia, in 1831, describing the "Sandy Creek expedition" against the Shawnees, the author says: "In Captain Alexander's company, John M'Nutt, afterwards governor of Nova Scotia, was a subaltern. . . . A journal of this campaign was kept by Lieutenant M'Nutt, a gentleman of liberal education and fine mind. On his return to Williamsburg he presented it to Governor Fauquier, by whom it was deposited in the executive archives. In this journal Colonel Lewis was censured for not having proceeded directly to the Scioto towns. . . . This produced an altercation between Lewis and M'Nutt, which was terminated by a personal encounter." Captain Paul, Withers says, had proposed to cross the Ohio river, invade the towns on the Scioto, and burn them, or perish in the attempt. This proposal McNutt supported, but Lewis overruled. Withers' "Chronicles of Border Warfare" was in part based on some earlier newspaper sketches by Hugh Paul Taylor. It was edited and annotated by Reuben Gold Thwaites, and republished in Cincinnati in 1895. See for the account above, this new edition, pp. 81-86. Commenting on the Sandy Creek expedition, Mr. Joseph A. Waddell, the Virginia historian, says: "As much doubt remains in regard to many facts connected with this famous expedition as surrounds the wars between the

Lewis and McNutt occurred in 1756 or 1757 we do not know, but it is not impossible that it may have had something to do with McNutt's leaving Virginia and coming north to Massachusetts and New Hampshire. How soon after the quarrel he did come north we cannot tell, but in September, 1758, we find him, then probably aged about thirty, living among his Scotch-Irish countrymen in the town of Londonderry, New Hampshire, the earliest of whom had landed in Boston from Ireland in 1718. What his occupation in Londonderry was, or for what purpose, precisely, he had come north we have no facts to show, but on the 26th of September of the year given above, as one of a group of seventy-one "freeholders and inhabitants" of Londonderry, he signs a memorial of thanks to his Excellency Benning Wentworth, Esq., governor, for not permitting an increase of tavern licenses to be granted the town.⁷

How much time may have elapsed after this before McNutt's military ambition led him to apply to the Governor of Massachusetts for employment in the Massachusetts militia service we cannot tell, but in the Council records of this colony of the year 1759 we suddenly come on the following entry: "Advised and consented that a warrant be made out to the Treasurer to pay unto Captain Alexander McNutt and company the sum of eighty-

Greeks and Trojans. Various writers state that the expedition took place in 1757, and that the men were recalled when near the Ohio river, by order of Governor Fauquier, but the Dinwiddie papers show that it occurred early in 1756, and that the survivors returned home more than two years before Fauquier became Governor of Virginia. To this day, however, the number of men led out into the wilderness by Lewis is uncertain, and also how many companies there were and who commanded them." Mr. Waddell also says: "The person referred to by Governor Dinwiddie as 'one Captain McMett' was no doubt Alexander McNutt, a subaltern officer in Captain Alexander's company. He has been mentioned as the purchaser of a town lot in Staunton. It is stated that Lieutenant McNutt kept a journal of the campaign, which he presented to Governor Fauquier, when the latter came into office, and which was deposited in the executive archives at Williamsburg. In this journal the writer reflected upon the conduct of Major Lewis, which led to a personal affray between Lewis and McNutt in Staunton." If McNutt's journal ever existed nothing whatever is now known of its fate. See "Annals of Augusta County, Virginia," by Joseph Addison Waddell.

7. New Hampshire State Papers (Town Papers), Vol. 9. See index. The name here signed "Alexander McNutt" can reasonably be no other than that of the Virginia Captain, for no other person of the McNutt name can be found in or near Londonderry at this date. As we have elsewhere intimated, we have had no opportunity to examine Virginia local records, but it would seem incontestable that the Alexander McNutt of the Sandy Creek expedition and the town of Staunton was the Nova Scotia colonizer. If it were not for the notices of him in Virginia we should suppose that when he appeared first in New Hampshire he had newly arrived from Ireland. If he came from Virginia, as we suppose he did, we are under the necessity of believing that after he began to colonize Nova Scotia he induced his three brothers and his sister to remove from Virginia also.

one pounds, nineteen shillings and seven pence (to each person or order the sum respectively due), for their service at Pemaquid [Maine] from the 2nd day of October, 1759, to the 18th of October, 1760.”⁸ On a later page of the same volume of Records we find recorded a warrant “for payment to Alexander McNutt and company, the sum of four hundred and seventy-two pounds, sixteen shillings, and one penny (to each person or order the sum respectively due) for their service in the pay of the Province, to discharge the muster roll beginning the 28th day of April, 1760, and ending the 30th day of November following. To Captain Alexander McNutt the sum of nineteen pounds, three and two-pence, for sending supplies to the men. Amounting on the whole to the sum of four hundred and ninety-one pounds, nineteen and threepence.”⁹ In one of the volumes of the unprinted Massachusetts Archives that record the military services of Massachusetts troops before the Revolution, under date of December 8, 1760, we find McNutt swearing to the accuracy of an account of £491. 19.3., “for payment of a party of thirty-two men belonging to a company of Provincials under his charge,” who had enlisted April 28, 1760, for Fort Cumberland, Nova Scotia, and had served to November 30, 1760.¹⁰ Accompanying this charge is a muster roll giving the names of the men and the amount of wages due each. Several of the company were from Windham, New Hampshire, one of the Windham men being Samuel Clyde, who later became a colonel and saw service in the Revolution on the American side.¹¹ Clyde’s wages were £12.3.0., and it seems that he did not return from Nova Scotia with McNutt and the rest of the company, but remained, probably at Halifax. Curiously, in some miscellaneous unprinted “Suffolk Court Records,” in Boston, we find it recorded that January 1, 1761, Clyde, then in Halifax, sued McNutt in Boston for a debt of £21.3.0., due him, and attached a chest of McNutt’s. In the Inferior Court of Massachusetts, Clyde obtained a judgment against McNutt, and without legal protest McNutt paid the debt.¹² The Windham men in

8. Massachusetts Council Records, unprinted, Volume 14, p. 289.

9. Massachusetts Council Records, Vol. 14, p. 293.

10. Massachusetts Archives, Vol. 98, pp. 146, 221.

11. Morrison’s History of Windham, New Hampshire, p. 60.

12. Suffolk SS. George the Third by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, etc. To the Sheriff of Our County of Suffolk, his under Sheriff or Deputy Greeting: We command you to

this company of McNutt's, the History of Windham says, all served at Fort Cumberland. In the Council Records of Massachusetts, under date of November 29, 1760, stands a warrant for the payment to Captain Alexander McNutt of sixteen pounds, sixteen shillings, to discharge his account for the passage of himself and twenty-seven men from Halifax, at two dollars each¹³ In the Massachusetts Archives are also two undated bills of McNutt's, one for the sum of £1.12.6., for having enlisted five men and an ensign for the total reduction of Canada, and one for the sum of £10.10.8., for payment of a company of sixty men and a lieutenant, that he had raised for the reduction of Canada, "out of Colonel Osgood's regiment." The sixty-one names in the billeting roll accompanying this charge are plainly written, and many of them prove to be Scotch-Irish names, some of whom, from New Hampshire towns, we find among the first grantees and settlers in Truro, Nova Scotia, directed thither, as is well known, by McNutt.¹⁴

The last record of McNutt in the military archives of Massachusetts is dated December 6, 1760. At this date McNutt renders an account to the General Court for his expenses in making two journeys from Boston to Portsmouth, New Hampshire, in quest of deserters; for David Robinson's expenses in travelling to Bedford and Framingham for deserters; for payment to

attach the goods or estate of Alexander McNutt, gentleman, now residing in Boston in sd. county, to the value of thirty pounds, and for want thereof to take the body of the said Alexander (if he may be found in your precinct) and him safely keep, so that you have him before our Justices of Our Inferior Court of Common Pleas next to be holden at Boston within and for our said county of Suffolk on the first Tuesday of April next, then and there in our said court to answer unto Samuel Clyde of Hallifax in our Province of Nova Scotia, yeoman, in a plea of the case for that the defendant on the fourteenth day of January current, at Boston aforesaid being indebted to the plaintiff in the sum of twenty-one pounds and three shillings for that sum which the Defendant before that had received at two different times, viz., twelve pounds and three shillings at one time of Harrison Gray and the rest before that, and in consideration thereof the Defendant though requested has not paid them but neglects to pay it to the damage of the said Samuel Clyde as he saith, the sum of thirty pounds which shall then and there be made to appear, with other damages and have you there this writ with your doings therein.

"Witness, Eliakim Hutchinson, Esq., at Boston this 10 day of January, in the 1st year of our reign. Annoque Domini, 1761. Middlecott Cook, Clerk."

On the back of this warrant is endorsed: "Suffolk, January 16, 1761. Then and by virtue of this writ I attached a Chest of the Defendant and would have left him a Summons but the Defendant paid the plaintiff his demand. Benjamin Cudworth, Deputy Sheriff." Below is Clyde's receipt: "I acknowledge the above to be true. Witness my hand.

SAMUEL CLYDE."

13. Massachusetts Council Records, Vol. 14, p. 291.

14. Massachusetts Archives, Vol. 98, pp. 146, 147.

James Cowan and Moses Blaisdell, "as per account;" for the payment of the passage of one of his soldiers to Halifax; and for the payment of a clerk who had made up his muster roll.¹⁵

In 1755, as the world knows, occurred that pitiful tragedy, the forcible expulsion of the French from Nova Scotia, and shortly afterwards, the Nova Scotia governor, Colonel Charles Lawrence, with the authority of the crown issued two proclamations^{15½} offering the recently depopulated and hitherto unsettled lands in the fertile Acadian province freely to settlers of British stock. That these proclamations should have stirred the imagination of McNutt as they stirred the ambition of thousands of native New Englanders, who accepted their terms and transferred themselves and their belongings to Nova Scotia, is not at all strange, McNutt, with more than the usual ambition of energetic young manhood was looking for worlds to conquer, and the alluring possibility of making himself a great colonizer and peopling the fair province by the sea with families of his own race soon began to fire his restless brain. It was not until seven months after Lawrence's second proclamation, however, that he presented himself to the governor and council in Halifax as desiring to assist emigration to the province. In the meantime a good many agents representing considerable groups of New England people who had read the proclamations and were seriously contemplating removal to Nova Scotia, had arrived at Halifax and been received by the government. According to the careful memorial of the Committee of Council to the English Lords of Trade,¹⁶ McNutt came first to Halifax in the month of August, 1759, and applied to Governor Lawrence for grants of land "for himself and sundry persons his associates," and his request was met by a written engagement of the Governor to have one township set apart for him at Port Roseway, in what is now the county of Shelburne, at the extreme southwestern end of Nova Scotia, and six townships in the district of Cohequid, in what is now Colchester County, on or near Cohequid Bay and along the Shubenacadie river, with leave to settle families in

15. Massachusetts Archives, Vol. 98, p. 222.

15½. The dates of the issuing of these proclamations were respectively, October 12, 1758, and January 11, 1759. See Eaton's History of King's County, Nova Scotia, p. 60.

16. This memorial is given as an appendix to the present paper.

thirty-five "rights" in the township of Granville, in Annapolis County. McNutt's visit at this time could not have lasted long, and it is doubtful whether he was again in Halifax until April, 1760,^{16½} when he took, as we believe, the little company of thirty-two soldiers to the province to serve for a few months in the garrison at Fort Cumberland. At that time he produced, the Committee of Council say, a list of six hundred subscribers who had engaged with him to settle in Nova Scotia, among these, no doubt, the names of the men who soon after became grantees in the Nova Scotia township of Truro, in Colchester County. The first Truro grantees number by actual count, fathers and their young sons together, only eighty-two, and this substantiates the Committee of Council's statement that of McNutt's six hundred subscribers only fifty families came to Nova Scotia.

McNutt's first successful efforts at colonizing Nova Scotia were made among his friends in the Scotch-Irish colony at and near Londonderry, New Hampshire. On his movements as a militia captain, and the organizer of the New Hampshire company which settled Truro, Nova Scotia, in 1761, interesting side-lights are thrown by the Diary of Hon. Matthew Patten of Bedford, New Hampshire.¹⁷ It has been questioned whether McNutt was really the organizer of this company, but certain entries in this Diary show plainly that he was. With the exception of the Truro colony and one other, the Essex County, Massachusetts, group of families that in 1762 settled Maugerville, on the St. John River, in what is now the province of New Brunswick,¹⁸ in spite of McNutt's own ambitious claims that he had been instrumental in bringing to Nova Scotia virtually all the New England people who settled in the province, we have not

^{16½}. A careful examination of the Council Books at Halifax shows that Nov. 3, 1760, is the earliest date on which McNutt is mentioned in these records. At this date it is said that McNutt petitions the Council, as the late Governor of the Province had promised him land at Cobequid, Shubenacadie, and Port Roseway on the Cape Sable shore, on condition that he would procure settlers, to give him all the help this body could.

¹⁷. "Diary of Matthew Patten of Bedford, N. H., from 1754 to 1799," published in 1903.

¹⁸. Archdeacon Raymond's History of the River St. John, chapters 13 and 16, and his first monograph, pp. 81-83. In his "St. John River," chapter 13 (p. 277), Dr. Raymond says: "Lieut.-Governor Belcher in 1763 complained to the Lords of Trade of McNutt's 'percipitate and unjustifiable' act in sending so large a body of settlers to the River St. John without previous notice or indeed any suspicion of such a measure on the part of the authorities of Nova Scotia."

the slightest reason to believe that any one of the other townships peopled by New Englanders in any measure owed its settlement to him. Even with the settlement of Onslow, the adjoining township to Truro, whose people came largely from towards the western part of Massachusetts, we find no evidence that McNutt had anything whatever to do.¹⁹ At this period of his life, as indeed throughout his whole career, McNutt kept himself pretty closely identified with the Scotch-Irish race, to which he belonged, and as early as November, 1760, he tells the Nova Scotia Council that he has already sent a vessel to the North of Ireland to bring out settlers from there, and that he soon intends to go to Ireland himself.²⁰ In the beginning of 1761, even before his New Hampshire colony had sailed for Truro he did go to England, with a letter from Lieutenant-Governor Belcher recommending him as a proper agent to bring over settlers from Ireland. From that country, the October following, he brought to Halifax a company, which he himself represents as "near four hundred persons," but which Lieutenant Governor Belcher in the year that they came speaks of as "upwards of two hundred," and the Report of the Committee of the Council in 1766 gives as "about two hundred and fifty."²¹ In November, 1762, he brought out from Ireland a smaller group, of about a hundred and fifty persons, which number in his memorial to the Lords of Trade, read March 23, 1763, he likewise characteristically exaggerates to "near four hundred."²²

Returning soon to England McNutt remained abroad until the autumn of 1764, his occupation in the interval, he says, being "sending away French Protestants to America." What he really was doing or how he managed to live, is a mystery to us, but during the time the new scheme evidently formed in his mind of inducing Pennsylvania Scotch-Irishmen and perhaps others to remove to Nova Scotia, and in the autumn of 1764 he recrossed the ocean to Philadelphia. Like other "promoters" he naturally

19. See Eaton's "Settlement of Colchester County, Nova Scotia," in the Transactions of the Royal Society of Canada for 1912.

20. Archdeacon Raymond's first monograph, p. 64. It is not likely that he had really sent a vessel to Ireland at this early period of his colonization schemes.

21. Archdeacon Raymond's first monograph, p. 69, and the Report of the Committee of Council, in the appendix.

22. The Report of the Committee of Council gives the number as about a hundred and fifty.

went first with his project to conspicuous men, and Benjamin Franklin, who was then at home, was probably one of the first persons he approached. What his representations to Franklin and other Philadelphia gentlemen of influence were we can easily conjecture, for McNutt never minimized his own authority or presented his schemes in a less alluring light than the facts warranted. That in some way, in the course of his brief negotiations with Franklin, he became liable to the latter for money, we have evidence in letters from Franklin's business associate in Woodbridge, New Jersey. In a letter of November 23, 1764, Parker mentions "Colonel McNott," and in another of January 14, 1765, he says: "I was returned from Pennsylvania before your letter from the Capes came up, wherein you mention Mr. Nott's affair. I upon the notice you wrote about it, wrote to Dunlap and Mr. Nott—the latter of which informed the other that he had agreed to pay you, and that those orders were gone home; that however he, Mr. McNott, agreed to give you a bond for the money due, which if paid in England could be afterwards taken up, which bond he executed and sent to me, so I give Dunlap credit for it. This I hope will be agreeable to your instructions or intentions. The sum is £48.4.10., payable ye first of May next.²³ In the "Draft Scheme" of his autobiography Mr. Franklin has the item, "Grant of Land in Nova Scotia," but the autobiography is not carried far enough to give any mention of the obtaining of the grant. The Grant Books at Halifax, however, inform us that on the 31st of October, 1765, a grant of 100,000 acres was given at Peticodiac, to Alexander McNutt, Matthew Clarkson, Edward Duffield, Gerardus Clarkson, John Nagle, Benjamin Franklin, Anthony Wayne, John Hughes, John Cox, Jr., Isaac Caton, John Relfe, James Caton, William Smith, Hugh Neal, Thomas Barton, William Moore, Joseph Richardson, John Hall, William Craig, Jobina Jacobs, John Bayley, and Benjamin Jacobs. On the same date another grant of 100,000 acres on the River St. John, was given to almost the same group of men, Benjamin Franklin among them.

Accompanied by several prominent Philadelphians, no doubt

²³ Proceedings of the Massachusetts Historical Society, 1902, Second Series Vol. 16, pp. 195, 196.

from the group whose names we have just given, in March, 1765, as both McNutt himself and the Committee of Council relate, McNutt arrived in Halifax. In one of his wordy memorials he declares that he brought with him "a great number of families," but the Committee of Council in their categorical statement of McNutt's services to the Province mention no such company though they say that "another Association from Philadelphia, who had contracted with the Government to settle a Township at Sepody, sent a ship *about this time* with twenty-five families, agreeable to their contracts, seated them on their lands, furnished them with stock, materials for building and farming, and have supported with provision ever since, *in which Colonel McNutt had no kind of concern whatever.*" The only other emigrants that we know of from Pennsylvania to Nova Scotia were six families who arrived at Pictou in the *Hope*, from Philadelphia, June 10, 1765, to settle on the so-called "Philadelphia Grant." Of these a family of Harrises remained permanently in the province, as did also a family of Pattersons, but concerning the others we are not informed. It may or may not have been due to McNutt's influence that these families came.²⁴

With regard to the gentlemen who accompanied McNutt from Philadelphia to Halifax, the Committee of Council further say: These gentlemen "informed the Government that Colonel McNutt had assured them that his Majesty's Instructions to the Governor of Nova Scotia, dated the 20th of May, 1763, directing the terms of settlement to be granted to the settlers he had introduced into this province from the Kingdom of Ireland, included them and all others whom he should introduce, and promised that they should have lands on those terms, which was not only deceiving those people, but also created many difficulties for the Government here, and those gentlemen declared that they would have no further concern with Colonel McNutt, and accordingly made their applications to Government without taking any notice of him."

We have here, no doubt, the exact facts concerning the emigration of Pennsylvanians to Nova Scotia in 1765, except that the Association sending the twenty-five families may possibly

24. Rev. Dr. Patterson's "History of Pictou, Nova Scotia," and Campbell's "The Scotsman in Canada," pp. 94-99.

have been formed owing in some measure to the interest aroused in Nova Scotia by the efforts of McNutt. As a matter of fact, probably not more than half a dozen, if so many, of the twenty-five families remained, for we have Mr. Franklin's authority for saying that most of the Pennsylvanians who came to the Province, "with great complaints against the severity and length of the winters," before long returned to the middle states.²⁵

In this comparatively unimportant migration of Pennsylvanians to Nova Scotia in 1765, we reach the extremest limit of McNutt's success in colonizing Nova Scotia. His own claims to the Lords of Trade concerning the number of people he had brought to the Province widely transcend the facts, it is clear now that the various groups he had brought or induced to come, limit themselves to the New Hampshire colony that settled Truro, the two groups he himself led from Ireland in 1761 and 1762, respectively, the Essex County, Massachusetts, people he influenced to come to Maugerville in 1762, about fifty people who came from Ireland to join their old friends and neighbors in the province, in 1765,²⁶ and the very few permanent settlers who may have been influenced by him to come from Pennsylvania in 1765.

In 1911 an able Canadian historian, Ven. Archdeacon Raymond, LL. D., published in the Transactions of the Royal Society of Canada a remarkable monograph on "Colonel Alexander McNutt and the Pre-Loyalist Settlements of Nova Scotia."²⁷ In the archives at Ottawa Dr. Raymond found copies of a large number of papers relating to McNutt and his colonization schemes during the seven years from 1759 to 1766, and in his monograph he has given us the main facts of McNutt's tangled negotiations with the Nova Scotia Government and the Lords of Trade in England in the prosecution of his schemes during those years. At first the government showed him great favor, for settlers for the province were strongly desired, and McNutt made representations that seemed to promise a speedy occupation

25. "The Writings of Benjamin Franklin, Collected and Edited, with a Life and Introduction," by Albert Henry Smyth, New York, 1907, Vol. 5, p. 508.

26. See the statement of the Committee of Council in the Appendix.

27. In 1912, Archdeacon Raymond, having in the meantime discovered some of the facts that we have embodied in this paper, published in the "Transactions." Another shorter monograph on McNutt, which considerably modified the first.

of a great part of the unsettled Nova Scotia land. Very soon, however, the colonizer began to complain bitterly of obstruction to his plans, and until he finally retired from the field he pursued a course of loud recrimination against the government that we believe to have been largely unwarranted and to give evidence chiefly that he was possessed of an unbalanced mind. It is strongly our opinion that the Nova Scotia Committee of Council spoke truly when they finally declared with warmth that the obstruction to his plans on the part of the Government that Colonel McNutt so persistently complained of, was chiefly due to his own "intemperate zeal and exorbitant demands," and that the Government had been disposed to show him "the indulgence and kind treatment that any reasonable man could properly desire." Of the Government's willingness to give proper assistance in any reasonable effort to settle the province we need no further assurance than the fact that between the first of June and the last of October, 1765, to McNutt and his brothers and large groups of men whom the colonizer represented as intending to settle in the province and for whom he claimed to be acting, the governor and council granted the enormous sum of about a million and three-quarters acres of land. That McNutt's claims concerning the number of people who had empowered him to act for them in obtaining grants were greatly exaggerated, seems to us certain from the fact that before 1812 by far the greater part of these huge grants, because of the absence of settlers, by formal escheatment was once more restored to the crown^{27½}

A remarkable feature of McNutt's character, indeed, was his tendency to make exaggerated claims. This is nowhere more conspicuous than in the declarations he makes to the Lords of Trade of service he had actually rendered in the matter of col-

^{27½}. The appearance of McNutt's own name on a great many of the grants in question is explained by the Committee of Council, and we believe truthfully, to have been due to the Government's conscientious desire to do McNutt no injustice in its apportionment of lands. Not always satisfied with his conduct, and finally altogether distrusting the man, they yet recognized "his apparent zeal for settling the vacated lands" in the Province, and as they conceived that it might in some measure primarily be owing to him that various groups of men had applied for land, which persons if they should become settlers would prove a great acquisition to the young colony, thought it only "just and right" that his name should be included in grants to all "associations" with whom he appeared in any way to have been concerned.

onizing Nova Scotia. Before us lie four memorials, of the many which in the course of his efforts to colonize he formally presented to the Lords of Trade,²⁸ in which McNutt makes statements that are truly astounding. In 1760, he says, he procured about one thousand families, from New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, Pennsylvania, and Virginia, to settle in Nova Scotia. He has employed, he states, at great expense more than thirty agents, in ten different provinces to prosecute the colonization of Nova Scotia, and he has an agent at Halifax to attend to his business there. He has settled in the Province two thousand families, including a number of German families, and he has contracts for settlement with six thousand families more. In March, 1765, he took, he says, "a great number of families" from Pennsylvania to Nova Scotia, and he adds that the gentlemen who accompanied him had been appointed to represent "many thousand families who had engaged to settle in Nova Scotia." He is able and ready to introduce into the province any number of people from other American colonies, or Protestants from Germany and France. The expenses he has incurred in his vast undertakings have been enormous, and the damages he has sustained by the Nova Scotia Government's bad treatment of him have reached startling figures. The real facts of this strange man's services to the colonization of Nova Scotia, as we have shown, are not now difficult to make out, and many of these statements of his are so grossly at variance with facts that we hesitate to believe that a person who could so boldly make them can properly be regarded as sane. At the time when McNutt said he had settled a thousand families in Nova Scotia there were only about five hundred families in all the townships.²⁹ Not only from the plain statements of the Committee of Council but influenced by many other considerations we say without hesitation that with the removal of the greater part of the Massachusetts, as with the Connecticut and

28. These Memorials bearing the Expective dates of reception by the Lords of Trade of January 19, March 18, and March 23, 1763, and April 17, 1766, as well as the Report of the Committee of Council, read November 6, 1766 (See Appendix), in which McNutt's charges are indignantly refuted and his actual services to the Province categorically and with due acknowledgment set forth, were copied at Ottawa by Archdeacon Raymond, and have very generously been lent by him for use in preparing this paper.

29. Archdeacon Raymond's first monograph, p. 63.

Rhode Island, settlers to Nova Scotia, in 1760 and 1761, McNutt had not the slightest connection. That he was ever concerned or had any marked influence in sending to any part of America large numbers of German or French Protestants we do not believe.³⁰ That he had ever directed to Nova Scotia any German families at all we have seen no evidence of. His assertion that he had brought to Halifax in 1765 a great number of families from Pennsylvania we know to have been false. The plain truth about the man and his statements is without doubt told in the indignant memorial of the Committee of Council, in refutation of his exaggerated claims of service, and his fierce charges against the Government, presented to the Lords of Trade in August, 1766. "Upon the whole," says the memorial, "the Committee of His Majesty's Council are of the opinion the memorial of Colonel Alexander McNutt addressed to the Lords Commissioners for Trade and Plantations is almost and altogether false and scandalous, that the facts are misrepresented, and his complaints without just grounds." "That the obstruction Colonel McNutt complains of from the rulers in this province since the death of Governor Lawrence have proceeded from his own intemperate zeal and exorbitant demands." "That the great expense incurred by Colonel McNutt in pursuing his scheme of making settlements in this province cannot be charged to any obstruction he met with from the Government here in any respect, nor can

30. "A rather curious proposition," says Archdeacon Raymond, "was made by McNutt to the Lords of Trade early in 1763. McNutt offered at four weeks' notice to provide vessels, properly fitted and victualled, to transport foreign Protestants without any cost to the Government, to South Carolina, on consideration that he should receive for every man, woman and child embarked, at the rate of fifty acres of land on the Island of St. John (Prince Edward Island)." "The Lords of Trade were not disposed to grant so large a quantity of land on the Island of St. John to one individual, as it might tend to a monopoly inconsistent with the public interest. They therefore offered the Colonel the grant of a tract in Nova Scotia, free from the payment of quit rents for ten years, in proportion to the number of people he should carry to Carolina. In consequence of the engagements entered into, McNutt at the close of the year submitted a memorial to the Lords of Trade stating that he was entitled to 10,000 acres of land and desired to have a grant on each side of Indian Bay, in the Island of Cape Breton, with Cape Sherburne and other such parts as he might choose upon Spaniard's Bay or Harbour." Archdeacon Raymond's first monograph, p. 84.

If McNutt was entitled to the 10,000 acres he claimed, i. e. fifty acres for every person he had taken or directed to South Carolina, then the number of his emigrants would have been two hundred. Regarding this alleged enterprise we can only say that no history of South Carolina we have seen makes any mention of it, and with so many other false statements of McNutt's before us we have no faith that McNutt here tells the truth. The whole matter, as Archdeacon Raymond says, is indeed most extraordinary.

we tell how it arose that Colonel McNutt, though often called upon for that purpose, never produced vouchers for the expenditure of one shilling, except he means some accounts from his agents,³¹ not signed by them and otherwise very blind and imperfect." "That after inquiry we cannot find any agent Colonel McNutt ever had at Halifax, unless he means some one of his creditors of whom he borrowed money, and at his going away deposited in his hands sundry securities that he had taken from the settlers he brought into this province for payment of their passages." "And we could wish that the great concern Colonel McNutt expresses at being under the necessity of mentioning anything in the least tending to the disadvantage of any man's character, had in any degree prevented his departure from truth and decency, his reflections on that head being altogether without either."

"The year 1766," says Archdeacon Raymond, "witnessed the decline of Alexander McNutt's fortunes. His plans for the promotion of Irish immigration, which at one time looked so promising, had been frustrated by the action of the ministry in England. He had ceased to be a middleman between the immigrants of Pennsylvania and the Nova Scotia government. He had quarrelled with Governor Wilmot and his council at Halifax. In consequence he seems to have concluded it best to retire to Port Roseway and do what he could to promote his settlement there."³² From the beginning of his negotiations with the Nova Scotia Government McNutt seems to have had a special liking for the country bordering on what is now Shelburne harbor. This harbor is indeed a beautiful and spacious one, and so attractive did it prove at a later time that when in 1783 the New York Loyalists determined to remove to some part of Nova Scotia it was here that they planned to settle and did for a time locate. In 1759 the Nova Scotia government had promised McNutt a township at Port Roseway, but it was not until 1765 that a grant at this place was actually given him. On the 26th of September, 1765, a memorial from him was read at a meeting of the Council in Halifax asking for a grant at Port Roseway in order that he might

31. Who the "more than thirty" agents McNutt says he had in various colonies were we should much like to know.

32. Archdeacon Raymond's first monograph, p. 95.

found there a township to be called by the extraordinary name *New Jerusalem*. This petition was granted and on the 15th of October the grant was formally made out and McNutt entered into possession of an immense tract of land, containing roughly one hundred thousand acres, including islands lying south of the tract.³³ Of these islands the most important was the large island at the mouth of Shelburne Harbor which still bears the name "McNutt's Island," and here McNutt himself, we presume in conjunction with his brother Benjamin, built a house in which Benjamin evidently lived until near the time of his death, and to which Alexander in the intervals of his wandering frequently returned.³⁴ Of McNutt's efforts to settle his township, New Jerusalem, we have found no records whatever, but careful study of the early history of Shelburne County has made certain the fact that he brought at least one family, that of his brother Joseph, to a spot on the mainland a little to the southwest of the Island, called Point Carleton or Round Bay. That he may have induced a few other families to settle in the township is quite possible, for in 1786, as we shall later see, one or two men in the Shelburne tax list are designated, as was the widow of Joseph McNutt, "old settlers." The period of McNutt's ownership of his hundred thousand acres at Port Roseway was, however, very short. On the 14th of December, 1768, to satisfy an execution of Henry Ferguson, a merchant of Halifax town, against McNutt,

33. This tract is described as "100,000 acres near Cape Negro River." Crown Land register, Vol. 7, fol. 18. In this Akins Prize Essay, in manuscript, in King's College Library, Nova Scotia, Mr. Thomas Robertson minutely describes the boundaries of this Port Roseway grant, as "beginning at the first Lake in Cape Negro River and running from thence N. 33° 15' West and measuring ten miles, then N. 66° 15' East till it meets with the line beginning at the falls of Green River and running North 33° 15' West, and is bounded by the ocean on the South East, and West by the Harbour and River of Cape Negro, together with all the Islands South of said limits, containing in all about 100,000 acres." "A short time after this [the giving of the grant]," says Mr. Robertson, "he [McNutt] asked leave of the Government at Halifax to allow the *first settlers who should arrive at Port Roseway* to settle on the vacant lands in the Townships of Barington and Yarmouth, together with a small island called Cape Negro Head." Archdeacon Raymond says: "In one of his later memorials to the Lords of Trade and Plantations, McNutt speaks of having laid out a tract of land at Port Roseway, near Cape Sable, on which he proposed to build a city, a plan of which he submits, and prays their Lordships to obtain for him a charter for establishing and confirming the said city in its rights and privileges. He proposed to call the city *New Jerusalem*."

34. Mr. Thomas Robertson says that in 1871, when he wrote his prize essay on Shelburne "the site" of McNutt's house (by which he probably means traces of the foundation) were still to be seen.

the provost marshal (sheriff) of Halifax County "set off, made over, and sold" to Ferguson this whole enormous tract. On the 9th of March, 1771, the sheriff gave a formal deed of the property to Hon. Benjamin Gerrish of Halifax, the township of New Jerusalem having been put up at auction by this officer and sold for Ferguson's benefit to the highest bidder. For his newly acquired property Mr. Gerrish, one of the most prosperous merchants of Halifax, gave the not inconsiderable sum of three hundred and fifty pounds currency. In the *Halifax Gazette*, three years after Mr. Gerrish's death, which took place in 1772, the Port Roseway grant entire was repeatedly advertised to be sold at auction, by the executors of his estate. That it was never transferred to any other person, however, seems clear from the absence of the record of any such transfer in the Halifax deeds.³⁵ After the Loyalists came to Shelburne, or about the time of their coming, it became necessary to distribute the Port Roseway land, and whether with or without recompense to the estate of Mr. Gerrish, if the estate still held it, the property was formally escheated, the instrument of escheat declaring that the original grantee had never fulfilled the conditions under which he had obtained the grant, he having neither paid quit rent nor settled the required number of families on his land.³⁶ After 1768, as we know, no part of the island properly belonged to McNutt or his brother, but as his brother Joseph and whatever other settlers he had introduced into the township were allowed to remain in undisturbed possession of the land on which they had been placed, so he and his brother were permitted still to occupy the upper end of the island, where their house stood. To that island, in the intervals of his wandering, McNutt no doubt occasionally returned, but his brother Benjamin probably stayed there, farming and fishing most of the time. On the 7th of July, 1785, the island (which Archdeacon Raymond says in some of the early plans is called "Roseneath") was distributed among thirty-

35. The facts given here have been gleaned from the registers of deeds in Halifax and from the *Halifax Gazette*. In the advertisement in the *Halifax Gazette* the land is described as formerly granted to Alexander McNutt, "but lately the property of Benjamin Gerrish." The auction was to take place at the house of Mr. John Rider in Halifax.

36. The record of escheatment of this property may be seen in the Crown Land Office in Halifax, but the endorsement has nothing to show that money was paid the Gerrish estate when the land was taken by the crown.

eight proprietors, thirty-seven of these receiving fifty acres apiece, the thirty-eighth, Benjamin McNutt, no doubt in consideration of his having lived there so many years, receiving two hundred and fifty.³⁷ When we come to speak more definitely of Benjamin McNutt we shall see that in his will he bequeathed his property on the island to his "friend" Martin McNutt, cooper, probably of Shelburne town.

During the twelve years between 1766 and 1778, Alexander McNutt lived probably much of the time on the island where he and his brother had their house, but he was a restless spirit, and moreover he had interests in other parts of the province, notably Truro, and in this township we sometimes find him, among the Archibalds and others whom he had directed from Londonderry, New Hampshire, in 1761. In 1771 McNutt is reckoned in a census of Truro as living, a single man, in Truro, and on the 8th of May of that year we find him executing in Truro a deed of two rights (a thousand acres) he had received in Londonderry, Colchester County, to his "loving son Samuel Archibald McNutt of Truro, surveyor." To an historian unacquainted with McNutt's eccentricities this extraordinary deed would be a puzzling document, for McNutt is believed never to have married, and the history of Truro shows no such person living there at any time as Samuel Archibald McNutt. The deed begins: "I Alexander McNutt, Esqr., of Jerusalem Pillgrim," and states that for and in consideration of the love and affection he has and bears towards his loving son, he gives and grants freely and clearly and of his own good will and mere motion, to Samuel Archibald McNutt the land in Londonderry he had received by a grant from Government, October 31, 1765. Instead of "Samuel Archibald McNutt, surveyor," the person intended in this deed was undoubtedly Samuel Archibald, surveyor, a young man of twenty-eight, whose father, David Archibald, was one of the Londonderry, New Hampshire, settlers whom McNutt had directed to Truro. The deed is executed before David Archibald, as justice of the peace, and witnessed also by David Archibald,

37. See Archdeacon Raymond's first monograph, pp. 95, 96, and manuscript records in Shelburne. Dr. Raymond speaks of a plan of the island preserved at Ottawa, which is marked "Survey'd, laid out, and granted Benjamin McNutt and 87 others." The number is properly 37.

and that McNutt should have given young Archibald, apparently seriously, a name to which he had not the least claim, and which would of course make the deed to him valueless is to be as little understood as many other freaks of this curious man. McNutt's land at Londonderry, which if we remember rightly comprised the only other individual grant besides Port Roseway, with which the Nova Scotia Government endowed the colonizer, like the Port Roseway grant to him, was finally seized by the Sheriff for debt, and on the 29th of June, 1776, the creditor, James Fulton, of Colchester County, sold it all, except sixty acres of marsh, which was "occupied by the inhabitants of Chiganoise," to a group of Colchester men.³⁸

Whatever McNutt's chief interests were between the time that he ceased his colonization schemes and his leaving Nova Scotia in the early stages of the Revolution, it is evident that he did not cease to annoy the Government with rash and unwarranted acts. This is shown by the fact that in 1769 Attorney General Nesbitt informed the Council that McNutt had "parcellled out land to several persons, pretending to have authority under the King's sign manual to settle all ungranted lands in the province. On this it was ordered that the Attorney General should prosecute McNutt, and that a proclamation should issue forbidding unauthorized occupation of land and cutting timber under penalties."³⁹ So far as we know the ordered prosecution was never carried out, and it is natural to suppose that McNutt, learning of the order of Council felt it wise to desist from the particular offensive acts of which the Attorney General had complained.

II

In the early summer of 1778, McNutt left Port Roseway on a vessel for Boston, in which city he took up his residence and at once began a new species of activities. He was apparently never so happy as when memorializing governmental bodies, and he had no sooner reached Boston than he began a series of

38. These facts have been discovered, like the facts concerning the Port Roseway grant, in the registers of deeds in Halifax, Truro registers also furnishing important information concerning the latter grant.

39. Records of the Council, quoted also by Murdoch in his History of Nova Scotia.

appeals to the Massachusetts Council, complaining of the robbery of his house at Port Roseway by a party of "armed ruffians" from a Boston privateer called the *Congress*, on the preceding 22nd of June, and begging that the Council would give him redress. His brother, he says, was with him when the robbery was committed and like himself had suffered violence at the robbers' hands.⁴⁰ As soon as the scoundrels left, he tells the Council, he had departed for Boston, and he relates that on his passage thither, in a small vessel, he had been seized by a British frigate but had afterwards been released and set on shore. From whatever point he landed he had proceeded in a whaleboat to Falmouth, Maine, from which place he had continued his journey to Boston on foot." In his memorials he declares strongly his sympathy with the American revolutionists and challenges "even Enmity itself" to produce one single instance in which he has "deviated from the Resolves of Congress" since the year 1774. Before he left Nova Scotia, he complains, he had been deprived (he means, no doubt, by the Government) of property worth forty thousand pounds sterling, probably much more having likewise been taken from him since he came away. A certain Dr. Prince, he says, "with others of like kind," had applied to Britain for his lands, and for his life, representing him as disaffected to the crown, which application had been supported by the Governor and Council.

Almost immediately after he reached Boston he also began a series of appeals to the Continental Congress at Philadelphia, imploring that body to take steps to draw Nova Scotia into the Revolution. The people of this maritime province, he claimed, were anxious to get free from Britain's rule and would thankfully receive any assistance in securing their freedom that Congress might give. How early after this McNutt visited Philadelphia we do not know, but his first appeal was read there before Congress on the 29th of September, 1778. His memorial was referred by Congress to a committee of three, and a month later

40. McNutt claimed that he had been robbed by these ruffians of fire-arms and ammunition, furniture, "superfine Scarlet and Bleu Cloths, Books, Silver Spoons, Silver Buckles, Plain, Set and Carved, Gold lace, Diamond Rings, with a number of other articles." McNutt's memorials are found in the Massachusetts Archives, and have been printed by Edmund Duval Poole in his "Annals of Yarmouth and Barrington in the Revolutionary War" (1889).

the committee reported that "after a conference with the memorialist, it appears unnecessary to take any further action at present," and recommended that the sum of three hundred dollars be given McNutt in consideration of the expenses he had incurred in his efforts to serve the United States. In January and March, respectively, 1779, he makes similar appeals, in the March petition being joined by Phineas Nevers, one of his original colony at Maugerville, New Brunswick, and Samuel Rogers, who had settled at Sackville, in the same province.⁴¹ On the 7th of April the Committee to whom these appeals had been referred report on the "memorial of Alexander McNutt and others, agents for several townships in Nova Scotia," that in their opinion "it is greatly interesting to the United States of America that Nova Scotia should not remain subjected to the government of Great Britain, to be used as an instrument to check their growth or molest their tranquillity. That the people in general of that Province have been thoroughly well disposed towards the United States from the beginning of the present war. That they made early application to Congress for direction how they might be serviceable to the Continental cause, offering to raise three thousand men in ten days. That they have since repeatedly applied for countenance and aid to enable them to assert their independence. That they have as often received friendly assurances from Congress, though circumstances prevented any vigorous efforts in their favor. That they begin now to apprehend the United States will rest satisfied with their own independence, and leave Nova Scotia under British despotism. That the memorialists were sent forward by the people to obtain from Congress some assurances to the contrary, hoping they may not be reduced to ask for ammunition and a guarantee of their freedom in France or Holland. That it would tend greatly to animate the well-disposed in Nova Scotia and to secure the Indians to the United States, as well as to promote desertion from the enemy and facilitate supplies of live stock to the eastern parts of the Union, if a road was opened through the country from Penobscot to St. John's River. That for such a work a body of faithful men

41. Rogers at a certain date appeals to the Continental Congress to be allowed to have Sackville and come with his family and their effects to the United States. See the Journals of Congress.

strongly interested to accomplish it might be found among those who have been driven by the hand of oppression from Nova Scotia. Your committee therefore propose the following Resolution: Resolved, That Lieut.-Col. Phineas Nevers and Captain Samuel Rogers be employed to lay out, mark and clear a road from Penobscot river to St. John's river in the most commodious line and in the most prudent manner. That they be empowered to enlist for such service a body of men not to exceed fifteen hundred. That fifteen thousand dollars be advanced to them for carrying on this work, for the faithful expenditure of which they shall become bound to the United States on a bond to be given to the Continental treasurer." What debate there may have been in Congress on this report we do not know, but it is clear that the recommendations of the Committee were not acted upon, and after two more appeals to Congress in 1779, one of which signed also by Joseph "McKnutt," Samuel Henderson, and Anthony Henderson, prays that certain persons may be allowed to come from "Great Britain and Ireland" to the United States; and still two other appeals, the substance of which we have not ascertained.⁴² McNutt in 1781, ceases his memorials to the Continental Congress.

On the attitude of the people of Nova Scotia generally in the war of the Revolution, it becomes increasingly clear that the last word has not yet been spoken. From the entries we have given and from other mentions in the Journals of Congress we see how strong the desire of Congress was to draw Nova Scotia also into the revolt against the British Crown, and as time goes on more and more echoes reach us of the sympathy that was undoubtedly felt in various parts of the province with the war for independence that was so successful in the thirteen colonies that became the original United States. From these appeals of McNutt's to Congress we judge that before he left Nova Scotia he had been actively engaged in fomenting rebellion, but how true his claims are to be the authorized representative of any considerable body of Nova Scotians in seeking aid from Congress, we are left to imagine. From what we know of the man and his habitual ten-

42. The two memorials in 1781 were dated respectively, January 3rd and June 15th. The first of these was read January 13th, and the second, which inclosed "Extracts from memorials presented at Whitehall" by McNutt, was read October 15th.

dency to falsify we may believe that in his appeals to Congress he characteristically misrepresents facts, and in regard to himself claims authority to represent the Nova Scotia people which no important community had given him. In this judgment we are strengthened by the following scathing arraignment of him in a letter to Major Studholme at Fort Howe, on the St. John River, received by that officer about the middle of October, 1781: "I am to inform you that there is a certain Colonel McNutt, who is well known in Nova Scotia, that he has pawned [palmed] himself upon the Congress at Philadelphia for some time past as an agent to transact business with that body for the inhabitants of Nova Scotia, by virtue of certain powers invested in him for that purpose; as he is a subtle, designing fellow, and has endeavored to circulate several letters and dangerous pamphlets throughout the Province, I wish to acquaint Government of it in order that such necessary steps should be taken as may be thought proper to suppress such unwarrantable proceedings and prevent the ill consequences that may attend it." This letter Major Studholme sent to Lieutenant-Governor Francklin with the request that after he had read it he would inclose it to Mr. Bulkeley, the Provincial Secretary.¹³

Local Virginia tradition says that at the close of the Revolution McNutt went again to Nova Scotia and remained there some years, and this Virginia tradition records preserved in the town of Shelburne fully bear out. In his manuscript history of Shelburne County, to which we have several times referred, Mr. Thomas Robertson says: "In September, 1791, Colonel McNutt was living on the island in Shelburne Harbor, as I find by a letter in an old letter book addressed to him from one of the merchants of Shelburne." In tax lists of Shelburne of the years 1786 and 1787 Alexander McNutt's name is found, in that of 1787 his brother Benjamin's also appearing. In the list for 1786, Alexander is designated "gentleman," his residence being given as McNutt's Island, but in the list for 1787 both Alexander and Benjamin are called "farmers," their taxes respectively being

43. Our authority for the reception by Major Studholme of this letter is, "Biographical Sketches," in Mr. Thomas Robertson's "History of Shelburne County," in manuscript in King's College Library, Nova Scotia. Mr. Robertson wrote his essay in Halifax, and he no doubt found the information above in the Nova Scotia Archives or the Minutes of Council.

3/3 county tax and 2/9 poor tax. In the previous year Alexander's taxes had been 20/ county tax and 10/ poor tax, but for both years the taxes remained unpaid until October 5, 1790, when a summons and execution compelled them to be given in. From a capitation tax list of Shelburne in 1794, preserved in Halifax,⁴⁴ we know that Alexander was still in Shelburne, but from a deed (of property he did not own and had never owned) which he executed in Rockbridge County, Virginia, on the 20th of March, 1797, we see that he had left Nova Scotia some time earlier than this date.⁴⁵

Of Alexander McNutt's last years in Virginia we know very little. The statement that he spent these years at the home of a brother John at the "Forks" in Lexington, Virginia, is of course untrue, for his brother John never left Nova Scotia after his settlement there in 1765. In the County Court records of Rockbridge County,⁴⁶ in a document dated September 18, 1802, McNutt is designated "Colonel Alexander McNutt from Nova Scotia, now in Rockbridge County, and State of Virginia," but with whom he was living we have no idea. He is said to have died in 1811, but local tradition is uncertain as to where he was buried, one statement being that his grave was in the cemetery at Lexington, the capital of Rockbridge County, the other that he was buried at Falling Spring. Twenty years after his death conspicuous notices of him began to appear in Virginia publications. The first of these, probably, in permanent form, was in Alexander Scott Withers' "Chronicles of Border Warfare," first published in Northwestern Virginia in 1831. In his "Historical Collections of Virginia," published in 1852, the historian Henry Howe says: "In the Falling Spring churchyard, on the forks of the James River, is the grave of

44. Four capitation tax lists of Shelburne are preserved in Halifax, of the years 1791, 1792, 1793, and 1794, respectively, and in all the names of both the McNutt brothers appear. In all the lists both men are designated farmers, and their relative ownerships of property are thus indicated; in all four lists Alexander's tax is one shilling, in 1791 and 1792 Benjamin's being the same; in 1793, however, Benjamin's is 2/7, and in 1794, 2/2. In both 1793 and 1794, Benjamin McNutt is credited with having three horses and ten sheep, while Alexander's property is not specified.

45. See Archdeacon Raymond's first monograph, pp. 99, 100.

46. Will Book, No. 2, p. 300. See Archdeacon Raymond's first monograph, p. 101. We have never been able personally to examine Virginia records, but we take for granted that this particular record is there.

Governor M'Nutt, who died in 1811. He was a lieutenant in the company of Captain John Alexander (father of Dr. Archibald Alexander), in the Sandy Creek voyage, in 1757. Shortly after, he was appointed *governor of Nova Scotia*, where he remained until the commencement of the American Revolution. In this contest he adhered to the cause of liberty, and joined his countrymen in arms under Gates, at Saratoga. He was afterwards known as a valuable officer in the brigade of Baron de Kalb in the South."⁴⁷ Mr. Joseph Addison Waddell, in his much more recent "Annals of Augusta County," says: "For some years McNutt resided in Nova Scotia, but the popular belief that he was governor of that province is unfounded. After the Revolutionary War he joined the American Army at Saratoga, and was afterward an officer under DeKalb in the South. He died in 1811, and was buried at Falling Spring Churchyard, Rockbridge."⁴⁸ Describing McNutt's connection with the Sandy Creek expedition of 1756, Mr. Waddell says: "McNutt is supposed to have been in confidential relations with Governor Dinwiddie, to whom (and not to Governor Fauquier) he delivered his account of the Sandy Creek expedition. After his affray in Staunton with Andrew Lewis he went to England, and being recommended by the Governor of Virginia was admitted to an audience with the King. Ever afterwards he wore the prescribed court dress." "The French having been driven out of Nova Scotia, McNutt received from the Government grants of extensive tracts of land in that province upon condition of introducing other settlers. He accordingly brought over many people from the north of Ireland, including persons of his own name, and a sister, who married a Mr. Weir. Admiral Cochrane, of the British Navy, is believed to be a descendant of Mrs. Weir, and others of her descendants are now living in Nova Scotia." "Alexander McNutt seems to have returned to Nova Scotia after the Revolution, as in the deed of 1785 he is described as 'late of Augusta

47. "Historical Collections of Virginia," by Henry Howe, Charleston, S. C., 1852, p. 456.

48. "Annals of Augusta County, Virginia, from 1726 to 1871," by Joseph Addison Waddell, first published at Richmond, Va., in 1888. (See p. 84, and Supplement, pp. 440-442); 2nd Edition, revised and enlarged, published at Staunton, Va., 1902 (pp. 72, 130, 230).

county, now of Halifax, Nova Scotia.⁴⁹ But he did not remain there long. He appears to have been a visionary man, and in his latter days at least, somewhat of a religious enthusiast. While living in Nova Scotia he attempted to found there a settlement to be called 'New Jerusalem.' It is presumed that his lands in that Province were confiscated when he came away and joined the American 'rebels;' but in 1796 he undertook to convey by deed 100,000 acres in Nova Scotia [sic] to the Synod of Virginia, in trust for the benefit of Liberty Hall Academy, in Rockbridge, among other purposes 'for the support of public lectures in said seminary, annually, on man's state by nature and his recovery by free and unmerited grace through Christ Jesus, and against opposite errors.' Possibly finding that this deed would not do, he executed another next year directly to the trustees of Liberty Hall, for the same uses. The second deed was witnessed by Andrew Alexander, Conrad Speece, and Archibald Alexander. It is unnecessary to say that Liberty Hall did not get the land. McNutt never married, and left no posterity. His old-fashioned dress sword was preserved by his collateral descendant, Alexander McNutt Glasgow, of Rockbridge; but at the time of Hunter's Raid, in 1864, the silver-mounted scabbard was carried off, leaving only the naked blade. John McNutt, a brother of Alexander, settled on North River, Rockbridge."

In the Staunton, Virginia, *Spectator*, of February 29, 1888, appeared a letter from the Hon. William A. Glasgow, of Lexington, regarding the McNutt family of Virginia, from whom the writer was descended, and especially concerning his collateral ancestor "Colonel" Alexander McNutt. Mr. Glasgow repeats

49. "While living in Nova Scotia in 1761, McNutt executed a power of attorney, authorizing his brother John to sell and convey his real estate. In pursuance of his instrument John McNutt, on August 16, 1785, conveyed to Thomas Smith, in consideration of £110, lot No. 10 in Staunton, which was purchased by Alexander in 1750 for £3, as stated on page 72. . . . John McNutt, a brother of Alexander, settled on North River, Rockbridge," etc., etc. "Annals of Augusta Co., Va., from 1726 to 1871." Second Edition, 1902. "We have not been able to do any genealogical work in Virginia, and as we have said, we know very little of the McNutt family settled there. By Virginia census returns of the years 1783-1786 we learn, however, that at that time, somewhere in Greenbrier County, West Virginia, there were living, probably as heads of families, a James, a John, and a Francis McNutt. Who the John McNutt who is said to have settled on North River, Rockbridge, may have been we cannot tell, it was certainly not Alexander's brother John, for he was a blacksmith in Nova Scotia, where, as we have said, he lived continuously probably from 1765 to the end of his days.

the statement that not long after the expedition against the Shawnees, McNutt took passage for England, "it is supposed," with strong testimonials from Governor Dinwiddie, in intimate relations with whom "he is supposed" to have been. When he returned from England it was with the military title of Colonel, and "in court dress, which he always afterward wore, and with a dress sword at his side."

A still later publication in the United States, dealing with Alexander McNutt, is a volume entitled "Genealogies and Reminiscences," compiled under the auspices of Mrs. Henrietta Hamilton McCormick, a descendant of the John McNutt of Virginia who is said to have been Alexander's brother.⁵⁰ In this volume appears a most uncritical sketch of the Virginia McNutt family, in the course of which many of the preceding tales of Alexander McNutt's greatness are re-told, and the additional flattering distinction given the gentleman of having been *knighted by King George II "for his services and gallantry."* "The sword which was then presented to him by the King," says this writer, "is still preserved, though despoiled of its silver mounting, chains, and ornamented scabbard, by the soldiers of General Hunter's command, when they made their raid in the Valley of Virginia during the Civil War." The writer of the sketch repeats the fond story that after he left Nova Scotia McNutt joined the Continental forces under General Gates at Saratoga, and then was a "meritorious officer" on the staff of De Kalb in the South. At the close of the war, the writer says, McNutt "returned to his estate on McNutt's Island," from which fact "it would seem that his original house in Halifax [sic] and his *island estate* were left untouched by the British Government." It was Governor Dinwiddie, the writer explains, not Governor Fauquier, who presented McNutt at the court of George II, and paved the way for the honors and favors afterwards heaped upon the colonizer. "As long as this distinguished personage lived," adds the writer, "he wore the court costume of the reign of George II, with buckles and ornamented buttons of silver, and trimmings of gold lace, a cocked hat, powdered hair, and top boots. His sword never left his side." The writer concludes by

50. *Genealogies and Reminiscences*, Compiled by Henrietta Hamilton McCormick. Revised Edition. Chicago: Published by the Author. 1897, pp. 53-64.

saying that McNutt "expired" in 1811, and was "interred" in the cemetery at Lexington.⁵¹ In view of the actual facts of McNutt's life as we know them from reliable documents, most of these flattering statements have to be pronounced entirely untrue. That McNutt in earlier life was in confidential relations with Governor Dinwiddie is a baseless assumption, and that soon after the obscure Shawnee raid, in which as a rustic subaltern he had taken part, this young militia officer, with Dinwiddie's introduction, went to England and had an interview with the King and received a sword from him is quite impossible, especially as his supposed patron, Dinwiddie, left the governorship of Virginia as early as January, 1758. In any case, McNutt's quarrel with Lewis took place in Staunton at some time between 1756 and 1758, and as early as September, 1758, and probably somewhat earlier he was settled among the Scotch-Irish in Londonderry, New Hampshire. That McNutt was ever in England before 1761, when he went there to further his colonization schemes, seems next to impossible, and on the 25th of October, 1760, George the Second had died. That the colonizer ever saw any distinguished military service whatever is impossible, nor can we believe that he properly bore the title "colonel." As a militia officer in Massachusetts he was to the end of his slight service there, captain, not colonel, and there seems no way that he could ever have reached any higher military rank.⁵² Nor did he, after he left Nova Scotia, serve with General Gates at Saratoga or Baron de Kalb in the South. On the 17th of October, 1777, Burgoyne surrendered to Gates at Saratoga, and it was not until late in June, 1778, that McNutt came to Boston from his Port Roseway home. Baron de Kalb died August 19, 1780, and at that time, as at least for a year afterward, McNutt was clearly living between Boston and Philadelphia, busily engaged in his favorite pastime of drawing up memorials, and publishing through the

51. "Genealogies and Reminiscences," pp. 61-64.

52. In a letter from the Lords of Trade to Jonathan Belcher, Esq., President of the Nova Scotia Council, written March 3, 1761, McNutt is referred to as "Captain Mac Nutt." More frequently he is spoken of in official correspondence of the time as "Mr." McNutt. In a letter dated at Halifax, November 13, 1762, from Honbles. John Collier, Charles Morris, Henry Newton, and Michael Franklin, to His Excellency Governor Ellis, annexed to a petition from McNutt to the Lords of Trade, and received April 12, 1763, the gentlemen writing the letter call McNutt "Colonel." On what grounds they do this, unless it is on some representation made by McNutt himself, it is impossible to see.

printing press of Robert Aitken of Philadelphia a series of strange pamphlets, some of which have come to us, furthering a scheme he had conceived of making the Maritime Provinces an independent republic with a democratic government which he somewhat ably outlines, and bearing the not hitherto unheard of name of "New Ireland." That most of the popular stories of his greatness were invented by himself in Virginia after he finally left the North seems almost certain, for McNutt was quite equal to such inventions, and in the remote southern country where he had been brought up, he no doubt found a receptive audience.⁵³ In one particular, however, Virginia tradition concerning McNutt is very likely correct, after he returned to Virginia he is said to have been on friendly terms with Thomas Jefferson, sometimes visiting this gentleman at Monticello, whither from Rockbridge County he always travelled afoot.⁵⁴

The culminating act of McNutt's singular career, was the giving, as we have intimated, of worthless deeds in 1796 and 1797, to a Presbyterian academy in Rockbridge County, Virginia, of a hundred thousand acres of land on the St. John River, which he speaks of as still "lying in the Province of Nova Scotia." The lands which he describes in this deed had never belonged to him, nor indeed with one exception had he ever had any actual share in lands on the St. John River, and Archdeacon Raymond's chief explanation of his performance is, that he had now passed his three-score and ten years, and his mind and memory may have been confused.⁵⁵

Regarding the publications of McNutt to which we have just referred, a few words ought to be said. In the Boston Public and the Massachusetts Historical Society's libraries are to be found

53. McNutt's militia service in Virginia and in New England was so slight that we cannot help being amused at the statement he boldly makes to the Lords of Trade that (See Archdeacon Raymond's first monograph, pp. 62, 111) he had raised three hundred men for Louisburg, a tale which finds not the least confirmation in Massachusetts records, nor astounded at the falsehood which also occurs in a memorial he presents to the Lords of Trade that ever since the defeat of Braddock he had been engaged in defence of the Protestant interest, had been in upwards of twenty engagements by sea and land, and had always served as a volunteer, having never asked nor received one shilling for all his expenses." See Archdeacon Raymond's first monograph, p. 75, and compare McNutt's statement quoted there, which we have just paraphrased, with the payments he received for military services from the Massachusetts Council, as recorded in Mass.

54. Archdeacon Raymond's first Monograph, p. 99.

55. Archdeacon Raymond's first monograph, pp. 99-101.

copies of a 16 mo. pamphlet entitled, "The Constitution and Frame of Government of the Free and Independent State and Commonwealth of New Ireland. As prepared by the special dictation of the people, for the consideration of their convention, when met. Composed by those who are invested with proper authority for that purpose. Printed by R. Aitken, for the free and independent State of New Ireland." The pamphlet covers, besides a title page and one blank page, thirty-seven pages, and comprises, in all, four divisions: An opening address "to the good people of New Ireland," of four pages; a declaration of the rights of the inhabitants of the State of New Ireland, of between five and six pages; "the Constitution and frame of government of the free and independent state and commonwealth of New Ireland," of eight pages; and a detailed scheme of "government of the state of New Ireland," of nineteen pages. To this is appended, in larger type, an "Advertisement," of a little less than five pages, unnumbered, signed "A. M' N. of J. P." In the library of Harvard University is another copy of this same pamphlet, bound cheaply, together with three separate appeals or addresses "to the peace makers," numbered respectively iv., v., and vi., covering in all twenty-two consecutively numbered pages, each address, like a sermon, headed with a Scripture text, and and signed in the following inscrutable way: "A. (a symbol of the sun) N. P. of S. J. A. & N. J."⁵⁶ A title-page to the little volume in which these several publications are brought together bears the following: "Considerations on the sovereignty, independence, trade and fisheries of New Ireland (formerly known by the name of Nova Scotia)⁵⁷ and the adjacent islands: Submitted to the European powers that may be engaged in settling the terms of peace, among the nations at war. Published by order of the sovereign, free and independent commonwealth of New Ireland." On the back of the title page is this remarkable pretended authorization of the appeals: "By virtue of the author-

56. We have found it impossible fully to interpret this collection of initial letters and symbols. The symbol of the sun is probably a hieroglyphic denoting son (Mac), and this is part of McNutt's name, and the last letters N. I. mean undoubtedly "New Ireland," but what the others mean, or what the foregoing signature, "A. McN. of J. P. means, we cannot tell.

57. It will be remembered that Nova Scotia never bore the name "New Ireland," nor so far as we know did any one ever propose to call it so. An effort was once made, however, we believe by Prince Edward Islanders to call their island by this name.

ity derived from the people of New Ireland, formerly known by the name of Nova Scotia, comprehending the islands adjacent, viz., St. John's, Cape Breton, Newfoundland, etc., etc., these numbers are published and forwarded for the consideration of the European courts: the preceding numbers more especially concern the people of New Ireland, and the United States. A person vested with full power to act in behalf of the people of New Ireland, in the treaty of peace, when this shall take place, will soon be dispatched to Europe." At the top of the general title page of this small volume in the Harvard Library is written: "Col. McNut to Jno. White," and in the back of the volume is inscribed in a much more modern handwriting: "Written by Col. McNutt who was in Salem just before the close of the war of the American Revolution." Below this is written in still another hand: "The above notice was written by the Rev. Wm. Bentley of Salem. It appears by the title page that this copy was presented to John White of Salem by Col. McNutt himself."

In the letter to Major Studholme we have given on a previous page, the writer says that McNutt "has endeavoured to circulate several letters and dangerous pamphlets throughout the province." These pamphlets, we must believe, were the earlier pamphlets, Nos. I, II, and III, of the series of which McNutt in the little volume in the Harvard Library, gives Nos. IV, V, and VI, for McNutt says that these earlier pamphlets, no copies of which have so far come to our hand, were addressed particularly to the people of America. In the governmental scheme for New Ireland that McNutt outlines, an intelligence in matters of government is manifested that would in any age stamp the originator as a man of unusual clearness of mind and consecutive judgment, but when one remembers that no such state as the New Ireland commonwealth he assumes as existing really did exist, and when in his "Advertisement" he says that "Europeans panting after the sweets of liberty and independence will flock thither, as well as many well disposed persons from other states," and adds, "we are happy that it is in our power to offer them such encouragement as is not to be found in any other spot on earth;" and when he boldly announces that "wherever a sufficient number appears, a vessel will be appointed to take them on board, at the most convenient port or harbor, for the

customary freight," and further advises people to apply early, "as the season is advancing," we wonder again whether the curious man who wrote these pamphlets was sane.⁵⁸ This whole series of pamphlets is undated, but they were undoubtedly all printed by Robert Aitken of Philadelphia, at intervals between 1776 and 1781.

Concerning the relatives of "Colonel" Alexander McNutt who settled in Nova Scotia many highly inaccurate statements have been put in print. As we have already stated, the names of his parents we do not certainly know, but Nova Scotia records give us considerable light on the brothers and probably the sister he brought to this province as early as 1765. In the registry of deeds of Truro will be found a declaration from McNutt, apparently made to prevent the escheatment of a grant he had secured for his brothers, partly in Londonderry, Colchester County, and partly in Noel, Hants County, that the owners of the grant, Benjamin, Joseph, and John McNutt, were his "three brothers."⁵⁹

58. Archdeacon Raymond says: McNutt "was quick to think, quick to act, quick to *write*. His memorials to the Lords of Trade and Governors of Nova Scotia are in some cases very voluminous, seemingly written with haste, not always elegant in style, and expressed with greater freedom than was customary in those days. Many of his suggestions were wise, his criticism was often trenchant and well timed; but on the other hand, some of his plans were very unpractical and the claims he advanced not always reasonable. He was a staunch upholder of the cause of civil and religious liberty." First monograph, pp. 61, 67, 68, 93.

59. The declaration is as follows:

"Be it hereby made known and manifest to all whom it may concern that I the Subscriber did procure a Grant of a Tract of Lands at the Village Noel, and also in the Township of Londonderry, to Benjamin Mc nutt, Joseph nutt, John Mc nutt, &c., which I obtained for them, the said Benjamin Mc nutt &c. in the time of Govr Wilmot and that the said Benjamin Mc nutt, Joseph Mc nutt and John Mc nutt are my three Brethren, and further that my Brother Benjamin did in the year 1761 Introduce into this Colony of Nova Scotia and pay the Passage of a Sufficient Number of Settlers to fully Secure the aforesaid Grants of Lands forever, from forfeiture, agreeable to my Proposals and Covenants at White Hall or Westminster, all which is Hereby Certified this 27th Day of October 1787 By

Alexander McNutt [Seal]

Signd Seald in presence of

George Cochran

5/ Kings County Ss, Horton Nova Scotia October 27th 1787 Personally appeared Alexander McNutt Esqr and made Solemn oath To the truth of the above manifest or Certificate

Before me Jonathan Crane J. P.

The grant which Alexander McNutt here mentions was given to Benjamin, Joseph, and John McNutt and Patrick McCollum, June 15, 1765. The subsequent history of this grant has been clearly made out. One thousand acres of it lay in Noel, Hants County, and this was sold by the McNutt brothers to James Densmore and then on petition of Densmore, probably in order that he might be able to get a clear title, formally escheated, the petitioner paying the Crown for escheating. The remaining three thousand acres, which lay in Londonberry, Col-

This, of course, is decisive, and tradition has it that Esther McNutt, who in Newport, Hants County, where John McNutt, blacksmith, at first lived, was married to Benjamin Wier, was a sister of these men.⁶⁰ The most prolific McNutt family in Nova Scotia was a family founded in Onslow, Colchester County, in 1761, by a certain William McNutt and his wife Elizabeth (Thomson), but this family came directly from Palmer, Massachusetts, and had nothing whatever to do with the colonizer. William McNutt's father, Barnard, and grandfather, Alexander, both came from Donegal, Ireland, to Massachusetts, about 1720, Barnard having at least twelve children, of whom William, born in Palmer, July 25, 1733, was one. The name of this family uniformly in Massachusetts, and frequently in Nova Scotia, was spelled "McNitt."⁶¹ Of Benjamin McNutt, Alexander's brother, no doubt the eldest of the three whom Alexander mentions, we know a good deal. He lived on McNutt's Island with Alexander, when the latter was there, and farmed and no doubt fished. He died, probably in Shelburne town, between September 10th and 21st, 1798, leaving all his property to his "friend," which

chester County, remained long in the McNutt family and was never escheated. It will be noticed that Alexander McNutt states that his brother Benjamin in 1761 paid the passage of a sufficient number of settlers into Nova Scotia to settle on the grant procured in 1765 and thus secure the grant. What truth there may have been in this statement no one can tell. It would be interesting to know where Benjamin McNutt lived in 1761, whether he was in any way concerned in his brother's colonization schemes, and whether at this time he did introduce settlers into Londonderry, Nova Scotia, whose presence there before the grant was obtained might have been considered as fulfilling the conditions of the settlement mentioned in the later given grant.

60. In Archdeacon Raymond's second monograph the incidental statement appears that a certain Lieut. John Wier of Londonderry, N. H., was Alexander McNutt's brother-in-law. For this statement, which is not true, the writer of the present paper and *not* Dr. Raymond is responsible, the Nova Scotia Wier family was founded in Newport, Hants Co., N. S., in 1761, by Daniel and Phebe (Mumford) Wier from Rhode Island and so far as we know had nothing to do with the N. H. Wiers. In Nova Scotia the Wiers intermarried with the Cochrans of Newport township, to whom Admiral Cochrane of the British Navy was in no way related. Admiral Cochrane, however, did live in Nova Scotia for some years.

61. In "Genealogies and Reminiscences" William McNutt or McNitt is mistakenly said to be a brother of Alexander McNutt the Colonizer, and to have come to Nova Scotia with him. This statement has no foundation in fact, William McNutt, the grantee in Onslow, farmer, and carpenter (for he had the contract to build the first Presbyterian church in Truro, the adjoining township to Onslow), had a family, the births of part of whom are recorded in the town of Palmer, Massachusetts, part in Onslow. From this family descends a very successful physician, Dr. William Fletcher McNutt of San Francisco, whose name appears in "Who's Who in America." Other descendants are mentioned in "Genealogies and Reminiscences."

probably means nephew, Martin McNutt, cooper.⁶² It seems certain that he died unmarried. Joseph McNutt settled early in Shelburne County, as a farmer, probably at Round Bay, and we believe died there, or was drowned, in 1785. It seems certain that his wife was Agnes McNutt, who appears in 1786 and thereafter as a widow at Round Bay, and his children, probably, Joseph, mariner, John, Jr., Arthur, farmer and fisherman, who lived at Shelburne but was dead in 1795, Francis, mariner, who lived first at Shelburne but afterwards for many years in Londonderry, Colchester County, where he probably died, Martin, cooper, who lived and died at Shelburne, Margaret, who was living, a spinster, at Point Carleton (Round Bay) in 1807, and in Shelburne town in 1809, and Ann, a widow Belcher, living in Londonderry, with or near her brother Francis in 1819. John McNutt, blacksmith, probably the youngest of Alexander's brothers, born about 1747, as we learn from his tombstone, was living in Newport, Hants County, in 1781, but sometime between 1785 and 1795 he removed to Londonderry, Colchester County, where he continued his useful calling. He married, as we have good reason to believe, Ann Wier, born in Rhode Island, sister of the Benjamin Wier who married his sister Esther McNutt, and died childless in Londonderry, June 16, 1813. His wife and he are both buried in the "Folly" burying ground.

A more active adventurer than Alexander McNutt has perhaps never been seen on the American continent. He conceived great schemes, and showed remarkable energy in prosecuting them, but he seems to have been constitutionally unbalanced, and after tracing him carefully through the various stages of his checkered career we are forced to the same conclusion concerning him that Lieutenant Governor Jonathan Belcher arrived at as early as 1761, that he was from first to last "an erratic individual, lacking in mental ballast, and one whose proposals needed to be watched."⁶³ Where he managed to get sufficient money to travel as much as he did in the enthusiastic pursuit of his schemes we can hardly see, for he belonged to a family that must have been comparatively poor, and from the first he was evidently depen-

62. Martin McNutt, cooper, and his wife Rebecca (Stewart) were the parents of Rev. Arthur McNutt, a well known Wesleyan minister in Nova Scotia.

63. Archdeacon Raymond's first monograph, p. 73.

dent chiefly on his own exertions. The great expense he claimed to have incurred in bringing settlers to Nova Scotia was, however, undoubtedly largely met by North of Ireland shipping merchants whom he had managed to interest in his projects, and most likely in part by his emigrants, from whom he probably exacted head money, but we know that he was often unable to pay large bills he had contracted, and it seems quite certain that he was occasionally forced to borrow of men with whom he had business relations. At one period of his life in Nova Scotia he was evidently appropriating timber that did not belong to him, and it is possible that by means of vessels trading between Port Roseway and Boston he and his brothers and his nephews may have been able to establish some little general trade on the Shelburne shore. As to the honors claimed for him by Virginia historians, we have shown that these were for the most part imaginary, and as we have intimated, the most reasonable explanation we can find of the stories of them that came into circulation in the region where he spent his last years is that he characteristically invented them himself.

APPENDIX

CANADIAN ARCHIVES, SERIES M, 466, PP. 16-35

B. T. N. S., Vol. 121, N. 108, 1766, 30 Augst.

"The Committee of H. M. Council, appointed to examine into the facts stated in the memorial of Colonel Alexander McNutt addressed to the Rt. Hon. the Lords Commissioners for Trade and Plantations dated the 17th of April, 1766, transmitted by their Lordship to His Excellency Governor Wilmot, and laid before H. M. Council by the Hon. Michael Francklin, Esqr., Lieut. Governor of the Province on the 26th inst. Having deliberately and maturely considered the several Allegations and examined into the particular facts therein asserted, do report vitz.

"That His Excellency Governor Lawrence issued a proclamation dated the 12th of October 1758 (as Colonel McNutt sets forth) for the settling the vacated lands in this Province.

"That being found Necessary to declare the terms on which the same would be granted another Proclamation of the 11th of January 1759 was publish'd and transmitted to Thomas Hancock Esqr. then Agent for this Government at Boston.

"That in Consequence of those proclamations many Commit-

tees Appointed by Persons in the Colonies proposing to settle themselves on the said Lands came to Halifax early in the Spring of the year 1759, who were sent at the expense of Government to view the Lands intended to be granted, and on their return to Halifax, a contract was made with those Committees for the introduction of twelve Thousand Inhabitants in three years from the date of their Grants, in the following Townships, Falmouth, Horton, Cornwallis, Annapolis, Granville, Cumberland, Amherst, Sackville, Truro, Onslow, Liverpool, and Yarmouth, an Account of which was transmitted to the Lords Commissioners of Trade and Plantations.

“That the Contracts above mentioned were made previous to any Application to Government by Colonel McNutt and many Thousand Inhabitants are now settled in consequence thereof, in which Colonel McNutt had no Merit or concern whatever.

“That in the Month of August of the same year, Colonel McNutt arrived at Halifax & applied to Governor Lawrence for Grants of Land for Himself and sundry persons his Associates, and obtained a reserve or large tract of Land for that purpose, which appear by a Written engagement of Governor Lawrence's to have been one Township at Port Rosaway, and six Townships in the District of Cobequid, and on the Shubennaccada River, with leave to settle Families on Thirty-five Rights in the Township of Granville in consequence of which in the Spring following He produced a List of Six Hundred Subscribers being persons of the Colonies who had engaged with Him to settle those Lands, but of those Six Hundred Subscribers, Fifty Families only came into the Province who were transported Hither at the expence of Government, had Lands assign'd them in the Township of Truro and were supported there two years, with an additional expence to Government of building Forts and Barracks for their Security and Troops were sent for their Protection & lately five Hundred pounds of the Provincial Funds has been expended, for opening Roads of Communication from Halifax to those Settlements, without One Shilling expence to Col. McNutt.

“That no care was taken by Colonel McNutt to Settle Families on the vacant Rights at Granville in the Time Limitted for that purpose, therefore those Rights were assign'd to Substantial Settlers from the Colonies, that He also neglected to send a sufficient number of Inhabitants to settle on the resedue of the Lands reserved for Him, at Cobequid and the Bason of Minas, and the Terms of Agreement being exposed, the Government have granted some of those Lands to other Persons, but Coll. McNutt has obtained Grants for Himself and Associates of One Hundred and Fifty Thousand Acres, part of that reservation to

be hereafter settled, also the Township of Truro and London-Derry, other part of the before mentioned reserve consisting of One Hundred and Fifty Thousand Acres more, on part of which are settled some of those Persons He has already introduced.

“That in October, 1761, Colonel McNutt arrived at Halifax from Ireland with about Two Hundred and Fifty Persons a very unseasonable time in this Climate for Seating them on their Lands, and as most of them were indigent People without means of Subsistance they clearly remained at Halifax the ensuing Winter, and were supported by the Government the Charitable Contribution of the Inhabitants, and some Provisions borrowed by Colonel McNutt from the Government for which he still stands indebted.

“That early in the Spring 1762 a contribution was actually made by the Council and Principal Inhabitants of Halifax, for the hire of a Vessel to transport those indigent People and their Families, to the District of Cobequid where the best Lands, and greatest Quantities of marsh in that part of the Country were Assigned them also to furnish them with Provisions out of the Provincial Fund and without One Shilling expense to Colonel McNutt.

“That in August [It was November], 1762, Colonel McNutt arrived at Halifax from Ireland, with about One hundred & Fifty Persons more, and was much dissatisfied that the then Lieut. Governor would not Grant them Lands on the Terms Stipulated between the Lords of Trade and Him, Nevertheless the Settlers had Lands Assign'd them at Le Have on the usual Terms, and were transported for [from] Halifax to their Lands, and furnish'd with Provisions for the Winter at the expence of Government without One Shilling expence to Colonel McNutt.

“That in consequence of His Majesty's Instruction to the Governor of this Province dated the 20th of May, 1763, Lands have been since Granted to all such persons as were introduced by Colonel McNutt, on the Terms formerly Stipulated between the Lords Commissioners of Trade and him.

“That after enquiry we cannot find any Agent Colonel McNutt ever had at Halifax unless he means some one of his Creditors of whom he borrowed Money, and at His going away deposited in His Hands Sundry securities that He had taken from the Settlers He brought into this Province for the Payment of their Passages.

“That from Colonel McNutt's return to England in 1762 He never came into this Province till the year 1765, when he arrived again at Halifax from Philadelphia, and then produced to the Government sundry lists of Persons in the Colonies associated

together with a design of making Settlements in this Province, & was then accompanied by several Gentlemen of ability of Philadelphia who came in behalf of themselves and others concern'd in those associations to view the Lands in the Province, and to apply for Grants, who informed the Government that Colol. McNutt had assured them that His Majesty's Instruction to the Governor of Nova Scotia dated the 20th of May, 1763—directing the Terms of Settlement to be granted to the Settlers he had introduc'd into this Province from the Kingdom of Ireland included them and all others whom He should introduce and promised that they should have Lands on those Terms which was not only deceiving those people, but also created many Difficulties for the Government Here, and those Gentlemen declared they would no further concern with Colol. McNutt and accordingly made their applications to Government for Lands, without taking any Notice of Him. Notwithstanding which the Government in consideration of Colol. McNutt's apparent zeal for settling the Vacated Lands of this Province & as they conceived it might in some measure primarily be owing to him that these Associations were entered into for that purpose and that the procuring such a number of Inhabitants of Ability was a great Acquisition to this Infant Colony, they thought it but just and right to have Colonel McNutt included with each & every Association wherein he appear'd to have been any way concern'd and his Name was accordingly inserted in the Grants made to them of about Sixteen Townships.

“That another Association from Philadelphia who had contracted with the Government to settle a Township at Sepody sent a ship about this Time with Twenty-five Families agreeable to their contract seated them on their Lands furnish'd them with Stock, materials for Building & Farming and have supported with Provision ever since in which Colonel McNutt had no kind of concern whatever.

“That in the same year a Vessel arrived at Halifax from Ireland which brought about Fifty Persons chiefly belonging to Families before introduced and settled by Colonel McNutt, and we know of no other Embarkation of Settlers whatsoever, made by Colonel McNutt notwithstanding He asserts to have introduced in several Vessels, several Hundred Families about this time.

“That the measures complained of by Colonel McNutt practised by this Government which he says has obstructed the settlement of the Province, have been Conformable to His Majesty's Instructions, and directions from the Lords Commissioners of Trade & Plantations except in the Terms of those Grants made

to Him and His Associates, where the Government departed from those Instructions and directions in order to favour & Encourage him and his undertaking.

“That those Grants of Twenty Thousand Acres made to sundry persons of which Colonel McNutt complains, were made in consequence of their Petition to His Majesty, and laid out at their own expence, under the direction of the Chief Surveyor, in such parts of the Province as they chose, and were intituled to, by the Tenor of His Majesty’s order to the Governor of this Province, and under the Terms and conditions therein prescribed, but not within the limits of any of the tracts of Land reserved by Governor Lawrence for Colonel McNutt or any other Person, and notwithstanding, His Majesty was graciously pleased to allow them ten years for the first period of their Settlement nevertheless upon the Grants being passed to those Gentlemen One of the Grants was immediately employ’d to procure protestant Families from Germany to settle on those Lands, and a very considerable Sum of Money was advanced for that purpose and the Settlers are now daily expected.

“That in July 1765 Mr. Green Commissary of Provisions for the Garrison of Fort Frederick on the River St. Johns acquainted Governor Wilmot that the Indians were assembled near the Fort in great numbers, and had given out that there was several French Ships of War on the Coast and that they should soon commence hostilities, and immediately after several reports were sent to the Governor from other parts of the province to the same purpose, upon which the Governor thought it advisable to send expresses to those parts of the province where it was most likely to discover the truth of these reports, and as several of the Deputy Surveyors (being persons best acquainted with the course through the Country) were sent on this Occasion, Orders were given them to make Surveys of the Land they passed over, which they perform’d and of the Land so survey’d Two Hundred Thousand Acres was Granted to Colonel McNutt and His Associates.

“That the great expence incurred by Colonel McNutt in pursuing His Scheme of making Settlements in this Province, cannot be charged to any obstruction he met with from the Government Here in any respect, nor can we tell how it arose, that Colonel McNutt tho’ often called upon for that purpose never produced Vouchers for the expendature of One Shilling except He means some Accounts from His Agents, not signed by them, and otherwise very blind and imperfect wherein He is charged with the Hire & Damage of those Vessels that transported the few families He introduced from Ireland, and the Money advanced for

sundrys by His Account was idly expended in bringing & hiring Vessels to coast about the Province in search of, and surveying Lands, in so much that His Associates made great complaints and protested against his Measures and refused payment of the Bills drawn on them for that expence as they found he was or might have been furnish'd from the Surveyor's Office at Halifax, with everything sufficient to answer all His and their purposes.

“That the Obstruction Colonel McNutt complains of from the Rulers in this Province since the Death of Governor Lawrence, have proceeded from his own intemperate Zeal & exorbitant demands from the Government were by His Majesty's Instructions forbid to Grant in all other respects having had that Indulgence and kind treatment from the Government that any reasonable Man could desire, not on Account of His Knowledge or Ability, but from a hope the Government had that His Zeal and application to make Settlements in this Province might be a means of inducing men of much more knowledge and ability than Himself to become Inhabitants in it.

“That the remarks already made on the expence incurred by making these Settlements to Colonel McNutt may be sufficient yet we must observe further on that head that the proportion of Land stipulated to be given Him by the plan settled between the Lords Commissioners of Trade & for him for His trouble and expence in introducing Settlers into this Province, has been granted to him by the Governor and Council in such tracts of Land as He himself chose and fixed upon.

“And we could wish that the great concern Colonel McNutt expresses, at being under the necessity of mentioning anything in the least tending to the disadvantage of any Man's Character, had in any degree prevented his departure from Truth & Decency, his reflections on that head being altogether without either.

“That Colol. McNutt complains, that the Settlers introduced by Him have been denied several of the Privileges promised and granted to them, but We know of no Persons who are deprived of those Rights and that Liberty, which the Laws & Constitution of Great Britain, or of this Province intitle them to.

“Upon the whole the Committee of His Maesty's Council are of Opinion that the Memorial of Colonel Alexr McNutt address'd to the Lords Commissioners for Trade & Plantations, is almost, and altogether, false, and scandalous, that the facts are misrepresented & his complaints without Just grounds, that His proposals in the Latter part of His Memorial, are Presumptuous, that several of them if granted would be very injurious to Private Persons, as He proposes to disposses many of those Grantees of the

Conditions contained in their Patents, which they obtain'd by Vertue of the King's Order, or by His Majesty's Proclamation making provision for disbanded Officers, Soldiers and Seamen, and of their Lands also, unless they submit to the new Terms proposed by Him.

"That other of His proposals would if Granted be highly prejudicial to the peace and good Government of this Colony, particularly that of sending two Members to represent the people in General Assembly, from each Town He settles, more especially should those He may hereafter introduce into this Province be of the same troublesome disposition with the few He has brought, The Government Here having experienced more difficulty in Keeping peace and good order in the Two little Towns of Truro and Londonderry settled by Colonel McNutt's followers, than with all the other Settlements in the Whole Province, they being mostly composed of Persons from the Charter Governments who still retain so great a degree of republican principals that they make it a point to oppose on all Occasions every measure of Government calculated to support the Honor and Authority of His Majesty's Crown and Dignity. The dangerous Influence of which Spirit cannot be too much garded against as the late unhappy disturbances in America more than abundantly prove.

"That the Laws of Great Britain, & the Laws of this Province sufficiently secure the Rights Civil & Religious of all His Majesty's Subjects in it, and the Committee cannot conceive what inducement Colol McNutt had to suggest, Assert & propose the several matters contained in His Memorial as we find from the matter of fact inquired into, that the Government here have promoted, & forwarded His undertaking to introduce Settlers into this Province, by every means in their Power, and flattered themselves that He was employing His Time in collecting Persons to fulfill His engagements.

"Halifax 30 Augt. 1766

Endorsed:

Report of the Committee of the Council of Nova Scotia on the Memorial of Mr McNutt

In Lt Govrs Letter of 2. Sept. 1766.

Read Novr. 6. 1766.

N. 108."

Josiah Stoddard Johnston

AN ESTIMATE

BY JOHN HOWARD BROWN

In the *New York Times* of Monday, October 6, 1913, we clip the two notices as follows: In the column of "Deaths" "Johnston.—Col. J. Stoddard, Saturday, October 4, in the 81st year of his age. Interment at Louisville:" and under "Obituary Notes:" "Col. J. Stoddard Johnston, father of George W. Johnston, an insurance broker at 55 Liberty Street, died on Saturday. He was 81 years old."

That the *Times*, always so careful in preserving the records of notable men of national reputation in their "Obituary Notes," should have given so scant space to a man who has filled so large a place in the history of Kentucky and incidentally in the history of the Civil War, is a matter of regret. As the story of his life is so full of historical interest we append it to round out the simple notices.

JOSIAH STODDARD JOHNSTON was born in Rapids Parish, Rapides county, La., February 10, 1833. His parents, John Harris and Eliza Davidson Johnston died when he was a mere child and he was cared for by relatives in Kentucky who gave him all the advantages of a liberal education. He was graduated at Yale College in the class of 1853 and then pursued a course in law at the University of Louisville, where he was graduated LL.B. in 1854. Instead of devoting himself to the practice of law he took up cotton planting in Arkansas, where in co-partnership with his father-in-law, George W. Johnson, he conducted a large plantation for five years, when the advent of the Civil War called him from his peaceful vocation, to the defense of his home and property. He joined the Confederate Army and was a participant in twenty or more battles and skirmishes during the progress of the war, serving as an officer on the staff of both Bragg and Buckner and as chief of staff of Gen. John C. Breckinridge. On the surrender of the Confederate army in 1865 he returned to Kentucky and became interested in the political welfare of the state, serving as secretary of the Democratic State Central Committee,

1866-86, meantime holding the office of chairman of the committee on several important occasions. He was adjutant-general of the state, 1870-71; secretary of state of the commonwealth, 1875-79, and an unsuccessful candidate for the nomination for governor of Kentucky before the convention of 1875. He edited the *Kentucky Yeoman*, published at the state capital, 1867-86, and was president of the State Press Association, 1870-86. He was a member of the Filson Club, of Louisville, up to the time of his death, holding the office of vice-president for several years. He became a writer of established reputation not only in the field of politics but in that of history, genealogy and biography. He was selected as one of the honorary pall-bearers at the funeral of Jefferson Davis at Richmond, Virginia, in 1889. In 1895 he issued in two volumes a "Memorial History of Louisville," in 1898 "First Explorations of Kentucky," with journals of Dr. Thomas Walker, 1750, and Christopher Gist, 1751," and in 1898 "Confederate History of Kentucky." He was married June 13, 1854, to Eliza, daughter of Gov. George W. Johnson, the first provisional governor of Kentucky, elected by the Russellville convention in November, 1861, and mortally wounded on the battlefield of Shiloh, April 6, 1862, while fighting as a private soldier in the 4th Kentucky regiment, commanded by Lieut. Col. A. R. Hynes and attached to the First Brigade, Col. Robert P. Trabue, in the Reserve Corps of Gen. John C. Breckinridge, in the Army of the Mississippi, Gen. Albert Sydney Johnston, and he died in the hospital at Shiloh, Tenn., April 9, 1862. Josiah Stoddard Johnston died in Louisville, Kentucky, October 4, 1913.

Eleazer Williams and the Prince De Joinville

CONTRIBUTED BY DUANE MOWRY, LL.B.

With Biographical Sketches of Rev. Eleazer Williams

BY JOHN HOWARD BROWN

Eleazer Williams American Missionary, was born or appeared in Caughnawaga, a settlement in the wilderness of what became Montgomery county, New York, on the Indian trail from the headwaters of the Mohawk river to Fort Stanwix and thence to Lake Ontario; Fort Stanwix being the carrying place of the canoes and their cargoes. In this wilderness was the hunting grounds of the Iroquois and a half-breed Indian chief named Thomas Williams claimed the boy Eleazer as his son. It was known that Chief Thomas was the son of a white woman, Emma Williams, an English woman of good family. There arose at the time no doubt as to the legitimacy of the boy as Chief Thomas's son, although he bore no resemblance to his other children, either facially or in point of intellect. The date of the boy's birth was given as about 1787. He grew up in the wilderness and was sent to school at Long Meadow and at Westhampton in Massachusetts where he learned the English language. Before this time he spoke the French language fluently and was also versed in the language of the Iroquois Indians. The War of 1812 first brought Eleazer Williams to public notice through his usefulness to General Dearborn as an agent among the northern Indians in New York state and Canada. In 1813 he published an Iroquois spelling book and in 1813-14 he published "Caution Against Our Common Enemy." He was present at the Battle of Plattsburgh, Lake Champlain, Sept. 14, 1814, and while carrying out a ruse to drive off the British he was severely wounded. At the close of the war he began missionary work in Western New York, and was received in the Protestant Episcopal Church as a lay-reader among the Oneida Indians. When the Indian tribes, making up the six nations of New York state, were allotted new hunting grounds in Wisconsin territory in 1820, he went with the Oneidas to the Indian reservation at the head of Green Bay and the Fox river. He continued his ministrations there and was ordered a deacon and ordained a priest and became familiarly known in the region as "Priest Williams." He lived in a house in the village of De Pere in Brown county where he had been allotted a grant of land which he cultivated. This with the pittance he received from the church as a general missionary gave him a meager livelihood. He married here a French half-breed. She claimed to have been related to the royal family of France. This alliance and his own general character and life, which was undoubtedly exemplary, drew a sharp contrast with his poverty and humble surroundings in the new settlement, as he appears to have mingled little with the white settlers. His reticence appears to have broken about 1840-41 and he announced that he had met the Prince de Joinville son of Louis Philippe on a steamboat, and announced to him that he, Eleazer Williams the Protestant Episcopal priest was Louis XVII. and that he had been born at Versailles, France, March 27, 1785, and was reported to have died June 8, 1795, but in reality had been

taken from the Temple where he had been held a prisoner and carried to Canada where he was placed in the care of an Indian chief. The prince, he said, made him splendid offers, conditional on his renouncing his rights, which it would be difficult for him to prove. From this time the Rev. Eleazer Williams firmly believed that he was the lost Dauphin, but he took no pains to spread it or to take measures to prove it. He returned to New York where he continued his office as missionary priest. He settled in 1850 at Hogansburgh, in Franklin county, New York, where he published an Iroquois version of the Book of Common Prayer in 1853, and wrote a life of his putative father, Thomas Williams, which was privately printed in 1859. *Putnam's Magazine* for February, 1853, contains a famous paper entitled, "Have We a Bourbon Among Us?" Written by the Rev. J. H. Hanson. The same tale was published in book form in 1854 under the title, "The Lost Prince." In the *Independent* of September 22, 1887, Benson J. Loring, the eminent historian, gave the weight of his opinion to the truth of the identity of "Priest Williams," with Louis XVII. of France. [Note 1.—An interesting historical novel founded on this subject, was written by Mary Hartwell Catherwood, and published in 1901. See also Steven's "The Lost Dauphin" (1887). Evans's "The Story of Louis XVII." (1893), and Weldon's *Louis XVII. of France*, 1895]. The story reproduced in this number of *AMERICANA* as published in the *Appletin Daily Press* Nov. 21, 1913, copied from the *De Pere News* of same month, is the latest contribution to the interesting query. The subject of the controversy died at Hogansburgh, Franklin county, N. Y., August 28, 1858.

From the *De Pere News*, De Pere, Wis.

“**A**T the last meeting of the Woman's club Mrs. Frances A. Dunham read an interesting paper on the early history of De Pere. We give below that part relating to the visit of the Prince de Joinville to De Pere and the Prince's call on Eleazer Williams, from the recollections of the late 'Aunt Hattie' Sharp, taken down by Mrs. Dunham in an interview with Mrs. Sharp on Dec. 5, 1904.

My father, Robert D. Stewart, came to De Pere in 1836, and built the first house on the west side of Fox river which was built by a white man. The original house was near the river, but was destroyed and my brother Joseph built his house on the same land, but nearer the road. It was about one mile from the present bridge in De Pere, and six miles from Fort Howard or Green Bay. I remember perfectly the visit of the Prince de Joinville at our house, but cannot remember exactly what year it was, (Oct., 1841). I always said that 'We had had the honor of entertaining the Prince de Joinville.' He was a young man of fine and courtly manner, so elegantly dressed and so extremely polite, I do not remember how he got to our house, but think some one must have brought him up from Green Bay. He came

from the Astor House on the east side of the river, for there was a road on that side for teams, and only a trail on the west side. It is very likely that Dan Whitney may have brought him up to the ferry, as you say that his niece told you when you were a young girl (1859) that 'he had a beautiful watch given him by the Prince de Joinville for taking him up to see Eleazer Williams.' But no one came across the river but the Prince and no one went up to see Eleazer Williams but my father and the Prince. They probably came up as far as the ferry and called for us to come over and get him, for my father kept the ferry at that time. The river was not wide then, before the dam was built, and a good hard shove would send a canoe clear across the river, or the passenger could paddle himself across. We often did this if my father and brothers were in the woods. We had a large scow ferry to carry teams across. The Prince came to our house for the purpose of getting my father to take him up too see Eleazer Williams. We always called him "Priest" Williams; and they rode up to his house in our heavy lumber wagon at once. It was a rough log house, comparatively new then, about six miles to the south of our place; where he lived with his wife, Mary Jourdain, and son John, who was a little fellow then. They stayed there for several hours, for I remember that our dinner was very late, between three and four o'clock in the afternoon, owing to their having stayed up there so long. At the dinner table the Prince seemed to feel very badly, he was very much depressed and showed it very much, and could not talk of anything else but "Priest" Williams. He asked so many questions about him, and seemed so anxious to know everything my father could tell him. It seemed to affect him so much to know that "Priest" Williams was living in such straitened circumstances, in such a rough log house, with literally no comforts of life at all. Their house was so poorly furnished, no chairs even, only stools with three legs, that they had made themselves. No carpets, no rugs and only bunk beds. I cannot remember what he said, only I know he talked a great deal about it. They were all the time talking about "Priest" Williams and the Prince seemed to feel so much his lack of everything which makes life at all desirable.

After dinner was over my father took him in the rough wagon, the only one we had, to Green Bay, and I always thought it must have seemed strange to him to ride in such a wagon, he was so finely dressed and so elegant looking. Crossing the ferry in the scow they went down to Green Bay on the east side of the river, and my father left him at the Astor House, and came home alone. He seemed to be so thankful to my father for having taken him up to see "Priest" Williams.

I always thought the Prince de Joinville thought or knew that Eleazer Williams was the Dauphin, from the way he talked at our house, and his feeling so depressed over him. It does not seem as though he could of felt that way over a total stranger.

Eleazer Williams always rode a small Indian pony, and always carried saddle bags at the back of his saddle. He invariably stopped at our house in passing, to get a drink of water, as we had a fine spring in the cellar. He would rein in his horse and call out, 'I want some of your white ale,' and we children would run down cellar, and bring him some cool fresh water from the spring. We always liked him. I thought he was a nice man, and he always seemed to be a good man. He was a missionary and we always thought he brought out the Oneida Indians to the reservation here.

He did not dress very well, for he was poor; but I remember one day he stopped at our house, and was so richly dressed in handsome clothes, and he told us that 'the Prince de Joinville had sent him a box of very nice things.' He seemed so pleased, and looked so finely. We thought the Prince must have sent the clothes he had on, but he did not say so; nor did we like to ask the question. My father always said he thought it was strange for the Prince to be so deeply interested in "Priest" Williams, because he himself, or we, had never thought of his being of so much importance.

I do not know how long the Prince stayed at Green Bay. He said to us before he left our house that he thought he would come back to Green Bay next summer, and would come up and see us again, at that time. Just think, the only persons now living in De Pere, that have ever seen Eleazer Williams are Mr. Perry Call, my husband and myself, and the only time Mr. Sharp

ever saw him, he—Eleazer Williams—was put in his room to sleep at the old ‘De Pere House.’ He was sour and seemed to feel cross and grumbled a great deal, about the poor room and beds. No chairs in the room, and he could not find any basin to wash in.”—*Daily Press*, Appleton, Wis., Nov. 13, 1913.

History of the Mormon Church

BY BRIGHAM H. ROBERTS, Assistant Historian of the Church.

CHAPTER XCVI

CONDITIONS IN UTAH AFTER THE ADVENT OF THE ARMY—THE UTAH EXPEDITION AS A REFORMING AGENCY

AFTER the return from the "Move South," President Brigham Young went into practical retirement. The entrance to his house, the Bee Hive (then called his "Mansion"), and the "Lion House," were securely locked and bolted, and constantly guarded by brethren, to whom the names of those seeking admittance to the President were submitted.¹ No public meetings were held. The "Tabernacle" in Salt Lake City was not opened for public worship. Silence was enjoined; matters were to be left, apparently, to take their own course.² This doubtless in recognition of the fact that some times silence is more potent than speech; new adjustments even take place under its reign.

The encampment of the army in Cedar Valley was called

1. Hist. of Brigham Young, Ms., Entry for July 5th, 1858, p. 763. Commenting on these precautions, Burton says: "He has guards at his gates, and he never appears in public unattended by friends and followers, who are, of course, armed. . . . However, in the case of the Prophet, there is an absolute necessity for precautions: as Gentiles have themselves owned to me, many a ruffian, if he found an opportunity, would, from pure love of notoriety, even without stronger incentive, try his revolver or his bowie-knife upon the 'Big Mormon.'" (City of the Saints, p. 222).

2. "The Presidency are quite retired and are seldom seen. The people are in a great measure left to themselves to see what they will do. There are no public meetings, and consequently no public sacraments. The word of the Lord is seldom heard through his Prophets by the people." From a letter of Sam'l W. Richards to E. W. Tullidge, July 23rd, 1858; Mill. Star, Vol. XX, pp. 620-22. See also Hist. Brigham Young Ms. entry July 4th, 1858, p. 762-800). When Wilford Woodruff in company with Cyrus H. Wheelock solicited the privilege of holding a public meeting in the interest of the Deseret Agricultural and Manufacturing Society, "President Young informed them that he did not want meetings held on any subject. *Id.* p. 923. This must doubtless have canceled some earlier—July 18—arrangements made for preaching in the wards by Elder Joseph Young, of the First Council of Seventy, and presiding Bishop Edward Hunter. *Id.* p. 798.

Camp Floyd, in honor of the then Secretary of War. The valley is about ten miles in width and thirty miles long, through which a small stream flows southward from copious springs at the foot of the western hills, just south of which the military post was located. There was but one Mormon settlement in the valley, at the time, this was known as Cedar Fort, which had been organized into an ecclesiastical ward in 1853, with Allen Weeks as Bishop. There were about one hundred and fifteen souls at the time of the ward organization, and perhaps not more than two hundred at the advent of the army. Exposure to Indian assaults forced the settlers to live in a stone wall enclosure—part of the wall is yet standing—hence “fort” in the name.

Camp Floyd, for the most part, was formed of small, low, but neat adobe houses—between three and four hundred in number; “enough,” writes Horace Greeley, who visited the camp in July, 1859—“enough to make six or eight Kansas cities”—of course of that period. Nearby there sprang into existence a suburb on which was conferred the euphonious name of “Frog Town,” later, and now, Fair Field, “whence grog and other luxuries, including execrable whiskey at about ten dollars per gallon,”—wrote Greeley—“are dispensed to thirsty soldiers, who have not already drank up more than their pay amounts to.” The valley was covered with sage-brush (*artemisia*) and grease wood; but the immediate camp was freed from these and made level as a floor, beaten hard by the continual tramping of the three thousand troops inhabiting it—“the largest regular force ever concentrated upon the soil of our country in a time of peace.”³ The adobes were made from bluish clay mud in the vicinity of the camp; the board roofing and other timber was obtained from the mountains east of Salt Lake valley. The total cost of building the post to government was about two hundred thousand dollars.⁴

The civil officers who came in with the army were Chief Justice Delano R. Eckles, and John Hartnett, Secretary of the

3. Horace Greeley “Overland Journey, New York to San Francisco”—1860—pp. 244-7.

4. Greeley, *Id.* p. 247. Greeley states that the adobes were made by “Mexicans,” which is not true, as there were no Mexicans to speak of in the Territory. The adobes were made chiefly by the “Mormons” of “Cedar Fort.”

Territory. Governor Cumming's entrance into Salt Lake City has already been detailed. Jacob Forney, Territorial Superintendent of Indian Affairs—which office was now separated from that of governor—came in with the Peace Commissioners. Judge Charles E. Sinclair arrived in Salt Lake City on the last day of July. Judge Cradlebaugh did not arrive until early in November. About the same time U. S. Attorney for the Territory, Alexander Wilson, of Iowa, arrived in Utah. He was accompanied by his wife whom he had but recently married. He brought letters of introduction from Jeremiah S. Black, U. S. Attorney General in Buchanan's cabinet, to Governor Cumming; and letters of like character from Col. Kane to President Young.⁵ These gentlemen with Peter K. Dotson, Territorial Marshal, completed the list of federal officials for the Territory.

With the settlement of the army at Camp Floyd and the coming and installation of these civil Territorial officers, the Utah stage was again set for the further unfolding of those events which make up the history of Utah Territory and of the Mormon Church—which, for some time as yet, are inseparable in their historical relations.

In the first few weeks following the entrance of the army and its settlement in Cedar Valley, there were various attempts made by the army and civil officers to open intercourse with President Young and other Church leaders;⁶ but such had been the strained relations between these U. S. officials of the army and of the Territory on the one hand; and the leading Church officials on the other—such the absolute difference of view point on the questions involved—such the distrust, as yet, of the Church leaders of most of the United States officials, both military and civil—that intercourse, beyond what official courtesy required, was not long attempted.⁷

5. Hist. of Brigham Young, Ms., Nov., 1858, p. 1069.

6. The day of the President's arrival in Salt Lake City from the "Move South"—July 1st—"Several gentlemen called upon him and wished to deliver letters to him personally. All such sought interviews were declined. Some would not leave their letters because they could not deliver them personally." (Hist. of Brigham Young, Ms., 1858, p. 569).

7. The general statement of the text concerning reserve in the matter of relations between the two classes spoken of should be modified by noting a few exceptions. So long as Col. Alexander and Captain Marcy remained in the Territory

With the coming of the army and the civil officers for Utah, there had been assembled those "reforming agencies" from which so much was expected in the moral regeneration of the Latter-day Saints.⁸ And following within the first few months of the advent of these "reforming agencies," the people to be "reformed" were edified by the sight of an associate judge of the supreme court of the Territory frequently reeling through the streets of Salt Lake City drunk and some times helpless. So insufferable was he in this respect that Governor Cumming, who himself was not above reproach in this weakness, "was displeased with him."⁹

His court—the district included Salt Lake City—was so disgraced by these habits that it was a matter of public criticism.¹⁰

their associations with the Church leaders were very agreeable. The meeting of Col. Cooke with the Church leaders, as also that of Captain Bryan and Lieutenants Bristol, Rich, and Kensel, are spoken of as very pleasant interviews; "they conversed upon a variety of subjects, such as the water, wood, weather, coal, roads, the products of the earth, and the detention of the army." (Hist. of Brigham Young, *Ms.* 1858, pp. 918, 923-5). The interview between the Secretary of the Territory, John Hartnett, and President Young was not so agreeable, as the antagonism between them was very pronounced (*Id.*, pp. 916-17). Mr. Wilson, U. S. attorney for the Territory, was more diplomatic and acquired a better standing. Governor Cumming of course was in friendly relations with the Church leaders, and on the 26th of July accompanied by Mrs. Cumming went with a Mormon party of nearly one hundred in number, including President Young, his counselors, and seven of the Twelve Apostles, on a strictly private picnic excursion of several days into Big Cotton Wood Canon, where a most enjoyable time was had in song, prayer service, dancing, and feasting. (Hist. Brigham Young, *Ms.*, entry June 26th, p. 960. Also Wilford Woodruff's Journal entry of June 26th, where a list of the male members of the party are given, fifty-two in all). No mention was made of the excursion in the *Deseret News* until the 8th of September. But notwithstanding these exceptions, the relations between the two classes of Utah's citizens named, were restrained, and finally limited to necessary official intercourse, and even this was carried on—so far as President Young was concerned—by secondary parties. (See Stenhouse's "Rocky Mountain Saints," p. 402). Also *Atlantic Monthly* for May, 1859, p. 571. Burton's City of the Saints, p. 216.

8. "The impending Expedition against them (the Mormons) is enthusiastically regarded as *holy war*, undertaken in the interest of morality and religion, intended to convert the Mormons to more correct ideas on the subject of matrimonial relations and religious truth; to break up their polygamous households; . . . or should they not be brought to reason as to these matters by the *precept and example of the new civil officers, seconded by the officers and soldiers of the army*, then to resort to the remedy of dispersing them by fire and sword." N. Y. *Tribune*, Jan., 1858.

9. Hist. Brigham Young, *Ms.*, Oct. 27, 1858, p. 1043. *Id.*, p. 1183. "Judge Sinclair's personal influence is very much impaired, not only by the dissipated character of the clique with which he alone associates, but also by his habits of intoxication, being frequently seen lying in the street in a helpless condition. His friends have often to carry him into houses and watch over him." Letter of Geo. A. Smith to Col. Kane, date of Jan. 14, 1859, copied into Hist. of Brigham Young, *Ms.*, entries for Jan., 1859, p. 134.

10. "It is believed in this City, that Judges Cradlebaugh, Sinclair, and about a dozen others, met in the upper part of a well known liquor store, and while trying the merits of the 'Oil of joy,' which filled the ample vaults below, used their utmost

On one occasion his honor was led helpless from the ball room by his friends;¹¹ on another he helplessly fell into a gutter of the street while in a quarrel with C. L. Craig, an Indian agent, and drew a pistol on his adversary, and Craig drew a knife upon the judge, but both "were too drunk to do any hurt."¹² Perhaps this unfortunate weakness in the judge accounts for the act for which he is best known to fame in Utah, that of sentencing a man to be executed on the Christian Sabbath.¹³

A letter in the handwriting of Chief Justice Eckles was picked up in the streets, written to one Lieutenant Bennet, in which the Chief Justice deplores the fact that he has not been able to procure for him (the Lieutenant) a mistress as yet. His efforts in this detestable business are given in terms too gross for reproduction; but the circumstance is too well attested to admit a doubt of the fact of it.¹⁴ Yet when the chief justice was about to depart from the Territory in the fall of 1858, a number of the civil and military United States officers for the Territory, and prominent Gentile merchants, in tendering him a complimentary dinner, envied him the satisfaction he would feel in joining his "family and friends in a *moral and civilized community*," and regretted that his services would be withdrawn from the territory during the winter.¹⁵

stretch of brain to devise some means to bring about a collision between the citizens and the army, that should end in the wiping out of the 'd—ed Mormons.' When the cogitative of each night or succession of nights [Judge Sinclair] appears on the bench, and is subjected to the criticism of the public, *its awkward appearance* often causes an adjournment to the liquor store." (Letter of John L. Smith, Chief Clerk of the Utah Legislature, 1858-9, to Stenhouse, date of Dec. 24, 1852, preserved in Hist. Brigham Young, *Ms.*, 1858, p. 1196.

11. *Id.*, p. 1203.

12. Letter of John L. Smith to Stenhouse, *Id.*, p. 1197.

13. This was the case of Thomas H. Ferguson, a "Gentile," convicted of murder, and the first white man to be executed in the Territory. See Bancroft's Utah, p. 540; also "Rocky Mountain Saints"—Stenhouse, p. 403. Of course the day of execution had to be changed.

14. Hist. of Brigham Young, *Ms.*, entry Sept. 13th, 1858, p. 966. "The ermine must rest gracefully on the shoulders of a chief justice, who employs the influence of his high position in performing his service as a ——— to provide gratification of lust to army lieutenants, and that by the [attempted] seduction of wives and mothers," remarks the chronicle. (*Id.*, p. 966). See also letter of John Taylor to Geo. Q. Cannon, date of 12th Jan., 1859, copied into Hist. of Brigham Young, *Ms.*, entries for Jan., 1859, p. 114.

15. The letter tendering this dinner appears in the San Francisco *Bulletin* of Sept. 30th, with the names of the thirty-two gentlemen who were to give it, and is reproduced in the *Deseret News* of Oct. 27th. The letter also contained the following clause: "Your presence in Washington will do much to remove misapprehensions which seem to prevail there, and to cause measures to be *taken for the better security of the persons and property of loyal citizens of the United States*

The people of Utah were further edified by the scandalous gallantries of army officers who sought, and sometimes successfully, to induce women to go to Camp Floyd, there to enter into illegal and shameful relations.¹⁶ One army officer while passing through Nephi on duty, became the temporary guest of a prominent family, and sought, by offering a considerable sum of money to a second person, to purchase the favors of the matron of the household.¹⁷

In addition to these "gallantries," the army was further disgraced by the shameful relations of soldiers and camp followers of the army with the Indian women of the tribes in contact with both Camp Scott and Camp Floyd.¹⁸

"Little Soldier," chief of the Cumumbahs, or Snake Diggers—who was camped near the soldiers at Camp Scott, details the brutality of soldiers who, entering the tents of the Indians whenever the men were absent, would lay hold of and ravish the women. The chief in consequence of these things left the camp.

Many of the squaws for their "favors" received money, which their husbands would force from them in order to buy the execrable whiskey of the camps; and as the savage knows nothing of self restraint, this ended in drunkenness. Sometimes various parts of soldiers clothing, from caps to trousers, and

who are resident in this community." This gave offense, not only to the Latter-day Saints, as being slandered by these innuendoes, but to Governor Cumming and his friends. Letters were addressed by the Editor of the *Deseret News* to the gentlemen signing the invitation, asking them to be more specific as to the meaning of the indirect charges of unsafety of persons and property in Utah. This brought statements from Secretary Hartnett and Superintendent of Indian Affairs, Jacob Forney, saying that they had signed the letter, "as many other signers of the letter referred to,—in full confidence that it was only what it purported to be, an invitation to take dinner;" and not "to cast reflection, even the smallest, on any community or person." "Nor did I suppose for a moment," said Secretary Hartnett, "that the letter was to be used, as it has been, to subserve a political purpose." (*Deseret News* of Nov. 3rd). Forney's letter is of similar import. "I had no design," he said, "to cast reflection, even by implication, on this or any other community, especially in any such an oblique manner." (*Id.* of Nov. 10th). In the same impression of the *News* is a strong editorial resenting the imputations of the "dinner letter."

16. See Hist. of Brigham Young, *Ms.*, Sept. 28th, 1858, pp. 979-80.

17. Hist. Brigham Young, *Ms.*, entry for 25th of Dec., 1858, p. 1203, where the names of all the parties concerned, including that of the man whom the captain would have made his "Sir Panderer," are given.

18. Hist. of Brigham Young, *Ms.*, June, 1858, p. 619.

even Sibley tents were bartered for these licentious favors.¹⁹

P. W. Conover, whose two sons were interpreters, informed Geo. A. Smith, Church Historian, that Antero Yampants, chief, and Peteetneet, burned six squaws in consequence of their having contracted the "Mexican Dierhed"—a venereal disease.²⁰

It is only proper to say, that the term "soldier" with the Indians, means the entire army *and attaches*;²¹ so that it is fair to presume that most of the atrocities practiced upon the Indians, of the kind here enumerated, were the work of teamsters and camp followers, by far the worst element of the Expedition, and the least under discipline.²² But when this Expedition was projected and accepted in the popular view as a means of "reforming the Mormons," the possibility of an evil example growing out of the assemblage of such elements as invariably attach themselves to such expeditions, ought to have been considered.

The people of Utah were further edified in the ways of "civilization" by frequent street *imbroglios* among gamblers and other camp followers and teamsters of the Expedition, amounting at times almost to riots on the streets;²³ there were also

19. Hist of Brigham Young, *Ms.*, entry for 8th of June, 1858, p. 620.

20. Letter of Geo. A. Smith to Stenhouse, copied into Hist. of Brigham Young, *Ms.*, July entries 1858, p. 761.

21. Hist. of Brigham Young, *Ms.*, entries for June, 1858, p. 620.

22. We have the assurance of Captain Burton, of the British army, however, who for some time was a guest at Camp Floyd, that "from Captain Heth" [Burton's host while at the camp] he gathered that "in former times, in Western America as in British India, a fair aborigine was not infrequently the co-partner of an officer's hut or tent. The improved communication, however, and the frequency of marriage, have abolished the custom by rendering it unfashionable. The Indian squaw, like the Beebee, seldom looked upon her 'mari' in any other light but her banker. An inveterate beggar, she would beg for all her relations, for all her friends, and all her tribe, rather than not beg at all, and the lavatory process required always to be prefaced with the bribe. Officers who were long thrown among the Prairie Indians joined, as did the Anglo-Indian, in their *nautches* and other amusements." (Burton's "City of the Saints," p. 444-5). Doubtless Captain Heth, had he included the teamsters and camp followers of the Utah Expedition within the scope of his view, could have given more recent illustrations to his guest of the associations of the kind alluded to in the passage quoted from Burton; and could give them a setting among the Mountain as well as among the "Prairie Indians." We have in mind the Steptoe command in Utah, as well as this more recent Expedition. See *ante*, chapter LXXXVII.

23. See Hist. of Brigham Young, *Ms.*, entries for September, pp. 956-7. A Mr. Cooper who had spent six weeks in Provo in the spring—until then an almost exclusively Mormon town—and had never seen a breach of the peace. In Great Salt Lake City he had seen street fights, pistols drawn, etc., etc. (*Id.*). Also *Ibid.*, p. 986. In a letter to Stenhouse, under date of Sept. 11th, Geo. A. Smith said: "Christianity continues to progress with the arrival of its most able expounders

frequent armed conflicts between these elements and the police;²⁴ and worse yet, in some cases, prominent merchants and some army officers sided with the rowdies against the police.²⁵

Prostitution reared its horrid front in the community, and its patrons were chased from the streets by the city police.²⁶ Editorially the *Deseret News* advised that in order to preserve the peace and quiet of the city, ladies remain at home; and that gentlemen limit themselves to reasonable hours, or at least to their legitimate walks and line of business.²⁷

"The miserable howlings and demoniac yells of the midnight brawlers, maddened by the intoxicating draught," wrote

and defenders who preach by precept and example; but much to our gratification, at present, they are practising on each other. Several murders have been committed, two of which have occurred in this City; the Mayor of our city has to hold a court every day. Street fights prove rather expensive, but are of frequent occurrence. Our brethren, however, keep out of the way and they [the non-Mormons] have the fun all to themselves. Although the annoyance to the people, and drunken sights are disgraceful to the community, they are unavoidable as long as the U. S. Treasury pays the expenses." (Hist. Brigham Young, *Ms.*, 1858, p. 964). "For want of space we omit the details of rapidly increasing profanity and drunkenness, of the progress of gambling, whoredoms, etc., and for the present merely note the fights as yet most prominent. A short time past two colored 'gentlemen' quarreled in the streets; one was stabbed and the other shot dead by his antagonist. On the 9th inst. (A date, by the by, which was enlivened by five other fights between newly-arrived citizens). Longford M. Peel and Oliver R. Rucker, from Leavenworth, met and fought with pistols, in Miller, Russel & Co.'s store, Peel killing Rucker, and himself receiving three wounds from which it is not yet known whether he will recover. "As there is a fair prospect for a weekly crop of the thrilling and exciting incidents so common in the world, it is but fair to presume that news from this isolated portion of our country will no longer be quoted as 'unimportant.'" (*Deseret News*, September 15, 1858).

24. See Hist. of Brigham Young, entries for October, pp. 1025-6. *Deseret News* of Oct. 13th and 20th.

25. See case of the People of Salt Lake City vs. Dr. E. N. Covey (Ass. Army Surgeon) Chas. A. Kinkead (Merchant) W. H. H. Fall, John Mendenhall, Lieut. Sanders (of the army at Camp Floyd) for disturbance of the peace and resisting and assaulting the police of the city. *Deseret News* of Dec. 1st, 1858. "Police riots," or "rows with the police," said an editorial in the *Deseret News*, "are getting to be of weekly occurrence in our city." Under the caption—"Peace Breaking—Attack on the Police," in the same impression of the *News*, is given in detail an account of a riot in which a Mr. Kinkead, merchant in Salt Lake City, and Dr. Covey of the U. S. Army were leading spirits. "It is matter of regret," said the editorial account of the affair, "that the professors of civilization(!) and claiming to be the very essence of modern refinement, should be found among those whose orgies make night hideous and our streets dangerous." (*Deseret News* of Nov. 24th, 1858). Mayor Smoot reported the action of the police in this instance to Governor Cumming, who thoroughly sustained the "course pursued by the police with the mob, and wished they had notified him, so that he might have led the police; for it would have been better for the responsibility to fall on him than on the mayor and police." Hist. of Brigham Young, *Ms.*, Nov. 22nd, 24th, 1858.

26. Hist. Brigham Young, *Ms.*, entries for Nov., p. 1113.

27. Hist. Brigham Young, *Ms.*, Nov., 1858, pp. 1074-5.

John L. Smith, chief clerk of the Territorial legislature, in a letter to Stenhouse, "contrasts strangely with the peace which has ever before reigned in 'Deseret' ".²⁸ As a result of the lawlessness the police force of Salt Lake City was increased by the addition of two hundred members—four fold what it had previously been. Out of the number seven special guards of twenty men in each, were organized; and each guard group was to furnish men for duty through twenty-four hours—covering the week.²⁹ "Of that class of beings who burden communities with their presence and tax them with their idleness and crime," said the editor of the *Deseret News* of this period, "this city has had within its precincts, for a length of time, a legion, and the expense that has accrued in consequence of their presence and acts, to the corporation and to the county, has been more than double the amount that has been required to suppress and punish crime and support pauperism from the first settlement in the valley in 1847 to July 1858; and there have been more murders committed and more blood shed in the county within the *last eight months, than before, since its organization;*"³⁰ and the county was organized by the general assembly of the state of Deseret in December, 1849—nine years before.

Mormon annals do not stand alone in describing this perilous state of community life in Utah during this Camp Floyd period. "The unruly crowd of camp followers which is the inseparable attendant of an army," wrote Albert G. Brown, Jr., to the *Atlantic Monthly*, "has concentrated in Salt Lake City, and is in constant contact and conflict with the Mormon population. An apprehension prevails, day after day, that the presence of the army may be demanded there to prevent bloodshed. The Governor [Cumming] is alien in his disposition to most of the Federal officers; and the judges are probably on their way

28. See Hist. of Brigham Young, *Ms.*, entries for September, 1858, pp. 967-8-9. *Deseret News* of Nov. 24, 1858.

29. *Deseret News* of April 20th, 1859.

30. Which action was ratified by the Utah Territorial legislature on the 3rd of February, 1852. The present boundaries of the county were established by an act approved Jan. 10th, 1866.

[this in May, 1859] to the states to resign their commissions.”³¹

Among the problems of those days was the discharged soldier. So long as the men were in the army and under the strict discipline of the General commanding, there was little difficulty;³² but the soldier discharged, paid off in army warrants,—if a balance of his pay was due him, but more frequently penniless—and often made desperate and demoralized by army life, became a terror to the civil authorities who must now deal with him in his relations to the community. It must not be forgotten that many of these troops were made up of the teamsters of the expedition, taken into the army as soldiers by General Johnston at Camp Scott, and who are spoken of by one writing from within the army lines as belonging with other camp followers “to the scum of the great western cities—a class more dangerous, because more intelligent and reckless than the same class of population in New York.”³³

Every time therefore that there was any considerable number of the troops discharged by reason of their terms expiring, there was a wave of anxiety passed over the civil community. A few instances will illustrate the fact: The first companies to leave Camp Floyd were Captain Marcy’s four companies of mounted riflemen from New Mexico, and Brevet Col. Bee’s command of enlisted teamsters. This in the latter part of July. These troops were marched from the Territory under their respective commanders, and hence under military discipline. Col. Bee sent for Elder John Y. Greene to act as guide for these companies from camp Floyd to Emigration Canon; the object

31. *Atlantic Monthly* for May, 1859, p. 579.

32. “Johnston’s course of strict discipline,” wrote Geo. A. Smith to Stenhouse, date of July 2, 1858, “has preserved peace between the citizens and soldiers” (copied into *Hist. of Brigham Young, Ms.*, entries for July—p. 761. “Gen. Johnston,” says the same writer in a letter to Stenhouse, date of Sept. 24th, “is evidently using every exertion in his power to control the unyielding elements of which his camp is composed. Many of his officers, however, evince a bloodthirsty feeling towards the inhabitants of this country.” Copied into the *Hist. of Brigham Young, Ms.*, Sept., 1858, p. 976). A number of army officers in passing through the settlement of Lehi generally and without permission, turned their horses into the enclosures belonging to that settlement; and when they were asked for compensation by Bishop Evans, they damned him vigorously; “but upon presenting the accounts to Gen. Johnston,” says Bishop Evans, “he disbursed them freely, and assured the Bishop that it was his policy not to infringe, in the slightest, on the rights of the citizens, which policy carries independent of his subordinates.” Report to Bishop Evans. *Hist. of Brigham Young, Ms.*, Oct., 1858, pp. 1027-8.

33. *Atlantic Monthly*, March, 1858, p. 374.

being to leave the Territory without passing through Salt Lake City; and this was done.³⁴ Yet such was the anxiety of the church authorities; and such the uncertainty as to what might happen on the departure of these companies, that "extra companies of guards [were] posted secretly near the dwellings of the First Presidency."³⁵

On the 27th of October a Mr. Miller, of the firm of Miller and Russell, told Mayor Smoot of Salt Lake City that four hundred and fifty soldiers would be discharged from Camp Floyd on the first of November; that two hundred trains to which were attached six hundred men from the east were making a determined effort to get into Salt Lake City and be discharged there. Mr. Miller had paid off through his firm thirty-five teamsters, and anything they would not steal, he would not have as a gift; and the other six hundred teamsters who would be in soon, were no better than they were." "President Young advised Mayor Smoot to see Governor Cumming and get him to use his utmost exertions to have the soldiers above alluded to marched out of the Territory, and if he refused, then have the city council get up a remonstrance."³⁶

Later it was learned that the soldiers to be discharged were the "quarter master's men, who are a great deal worse" (i. e. than the ordinary soldier)—says the chronicle.³⁷ Governor Cumming interested himself in the matter, and presented the case to General Johnston. Captain Jefferson Hunt, of Mormon Battalion fame, and familiar with the southern route to California, was instructed by President Young to get up trains and carry discharged soldiers to California.³⁸ Some of the discharged teamsters and quartermaster's men bought some

34. Elder Greene "met Col. Bee's command at Dry Creek and guided them by the county road, the canal, and across the bench to the mouth of Emigration Canon, where Greene left them, and they camped several miles up the canon. Bro. Greene reports that Col. Bee expressed much commiseration and sympathy for the exposure and inconvenience endured by those who had left their homes in the 'Move South.'" Hist. Brigham Young, July entries, pp. 798-9).

35. *Ibid.*, p. 799.

36. Hist. of Brigham Young, entry Oct. 27, 1858, pp. 1042-3.

37. *Ibid.*, p. 1052.

38. *Ibid.*, p. 1058. Hunt reported to President Young that in recently returning from southern California he met five hundred discharged soldiers en route, almost in a state of starvation. Dr. Forney the Superintendent of Indian Affairs said he was more afraid of these discharged soldiers than of the Indians. *Id.*

large freight wagons, and, because they could be bought at a low figure, some poor cattle that had just come in from the states, and thus made up a train to go to California by the southern route.³⁹ These arrangements combined disposed of these companies of discharged men; but ever as the circumstance of a considerable number of men being discharged recurred, there was always attendant upon it this dread and anxiety for the civil authorities.

This whole Camp Floyd epoch was a period of demoralization, greatly deplored by the authorities of the Church, but before which, for the time being, they were helpless. Many Church members, loving this present world, and throwing off the wholesome restraints of religious influence, entered the realm of license to which the times invited them. In his "prayer circle" Elder Wilford Woodruff, of the council of the Twelve Apostles,⁴⁰ according to his own account, exhorted his brethren in the following strain:

"I told them we were surrounded by the wicked * * * who were filled with wickedness and sought our destruction; that we were much exposed and should be on our guard and magnify our calling and maintain our dignity before all men as Saints of God and Elders in Israel; and not mingle with, or drink with, the wicked. If we had business with them let us do it and go our way. * * * There is silence in Zion. No warning voice in the streets or in the Tabernacle of the Lord. Every one is left to go his own way, and many are turning away from the Lord, and in this hour of temptation and darkness, it is our duty to live our religion and to set a good example before all men, and watch and pray that we enter not into temptation."⁴¹

Such the moral effect of the Utah Expedition upon the Latter-day Saint community. Instead of resulting in a reforma-

39. *Ibid.*, p. 1060. "The teamsters are reported to be stealing about eighty mules per day from the Government. Large numbers of them are starting for California." Hist. Brigham Young, *Ms.*, entry Nov. 4, 1858, p. 1067.

40. Each of the Twelve Apostles had been accorded the privilege of organizing a number of their close and personal friends into circles for prayer, after the order of prayer followed in the temples of God; to meet in such upper rooms as they could arrange for, and there pray in behalf of the cause of God. The circles numbered in membership from ten to twenty in each. Woodruff's Circle met in the Endowment-house. (See Woodruff's Journal, entry for July 25th, 1858).

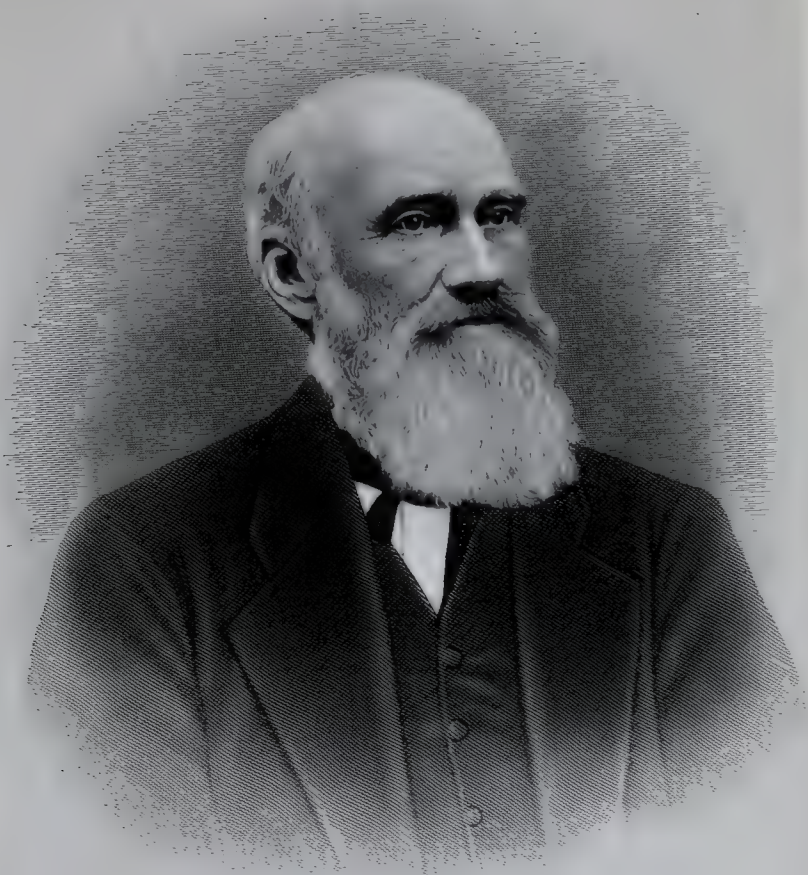
41. Wilford Woodruff's Journal entry for 1st Sept., 1858. This prayer circle system, and this admonition of the worthy apostle, discloses one of the sources of the spiritual strength of the Church in such times as are here being considered—in all times.

tion, in any betterment of manners, more respect for the government,⁴² more honor for a much vaunted "Christian civilization," boastful of its enlightenment, the several evil effects of its presence in Utah, here enumerated, inaugurated a period of demoralization from which the community did not recover for a number of years. Nor could the would-be "reformers" of the Saints by such agencies as this Utah Expedition be justly surprised if their hopes in that Expedition as a moral and religious crusade, were a disappointment to themselves, and excited only the ridicule and contempt of the Saints, ending in a deepened attachment for their own moral and spiritual system of life. A due consideration of the lessons of history in such matters should have taught the would-be-reformers by means of the Utah Expedition—a manifestation of force—that such an outcome was inevitable. A military force, coercion in any form, in fact, is the poorest agency for effecting moral and religious reforms. The reluctant victim, to paraphrase Gibbon, may even be dragged to the foot of the altar, but the heart still abhors and disclaims the sacrilegious act of the hand.⁴³

"There has been," wrote Elder John Taylor, of the council of the Twelve,—“there has been a very riotous, obstreperous and vindictive spirit manifested by our *missionary civilizers*; who, while they are utterly regardless of common decency themselves, seek to embroil us in difficulties and trouble; and provoke us if possible to commit some overt act to re-open the

42. In the matter of respect for constituted authority the Latter-day Saints were already in advance of their "reformers" in the Utah Expedition; and to this Peace Commissioner L. W. Powell bears a strong testimony, in a striking contrast he himself draws between his treatment by the Mormons and some of the officers of the army. Answering the question of Seth M. Blair, as to whether or not "any man, of any grade or calling, on any occasion, had offered to him an uncourteous word while he had been in the territory, he said 'no;' but he had been treated with the greatest respect; . . . and he was sorry to say he could not say as much for the officers of Col. Johnston's army, as he had been grossly insulted by Lieut. Col. C. F. Smith and Captain Reno." (Hist. of Brigham Young entries for June, 1838, p. 758). Col. C. F. Smith, however excellent a character as a soldier, was deeply prejudiced against the Saints. In the presence of Peace Commissioner Powell Heth and several other army officers gathered at Gen. Johnston's tent, Col. Smith made some disrespectful remarks about the "Mormons." "One of the company said: Sir, you had better beware how you talk about the 'Mormons,' as they might hear you." He said he did not care a d—n who heard him, he would like to see every d—ed "Mormon hung by the neck." "This 'damn' Smith," remarks the chronicle, "is one of the *flowers* of the Army." Hist. Brigham Young, *Ms.*, entry for June 27, 1858, p. 738.

43. Decline and Fall of the Roman Empire.



J. R. H. Hoxsey

wounds that have so far been healed, and cause a renewal of hostilities [and this effort will be made more apparent in the chapter following] in the diabolical hope of fattening themselves upon the prey of their victims."⁴⁴

What could be expected from such "reform agencies" as these but failure and disappointment? Nor is it to be considered matter of wonderment if the Mormon people and their leaders justly held it in scorn. "When you get back to the states," said Brigham Young to a U. S. officer, just on the eve of leaving for the east, "No doubt you will be asked many questions about me. *I wish you would tell them that I am here, watching the progress of civilization.*"⁴⁵ This in the light of the facts set forth in this chapter, is a stinging rebuke to those who looked upon the Utah Expedition as a reforming agency that would reclaim the "Mormons" from the error of their ways.

CHAPTER XCVII

MEETING OF THE LEGISLATURE—THE JUDICIARY *plus* ARMY SUPPORT—A CRUSADE

One of the first problems which confronted the new administrators of affairs in Utah was the question as to which place the legislature should meet in, Fillmore or Salt Lake City. The question was referred by Governor Cumming to Judges Eckles and Sinclair, who decided that Fillmore was the seat of the Terri-

44. Letter of Elder John Taylor to Elder Geo. Q. Cannon, date of January 12th, 1859, copied into Hist. of Brigham Young, *Ms.*, entries for January, p. 107, et seq. Relative to the purpose of those who sought to bring about the "renewal of hostilities" that they might "prey upon their victims," it can be said that at the very height of Judge Cradlebaugh's effort to incriminate Brigham Young in the Springville homicides, this passage was written of the non-Mormon merchants: "The merchants of Salt Lake City say that if they cannot get up a collision between the Mormons and the army at this time they will all be 'broke' [fail in business—be ruined] which is equivalent to acknowledging that they are at the botom of this outrage upon this people." (Hist. of Brigham Young, *Ms.*, entries for March, 1859, p. 293). This at first sight might seem paradoxical; but a collision between the Mormons and the army meant reinforcements to the army, an influx of more people, more government contracts, more business hereabouts in Utah—hence the preying upon the Mormons as victims.

45. The officer was U. S. Attorney Alexander Wilson, the incident occurred when he called on President Young to announce his early return to the states on account of the health of his wife, and to offer his library for sale. See Hist. Brigham Young, *Ms.*, Aug. 22nd, 1859, p. 642. Mr. Wilson promised to report the President as above, and would nothing extenuate, nor aught set down in malice. So far as known he kept his word, as all his official reports to the federal administration bear witness. See his very numerous communications published in Senate Doc., 36th Cong., 1st Sess., No. 32, pp. 21 to 64 inclusive.

torial government, and the place where the legislature must meet; which decision seemed to appeal to Governor Cumming. Accordingly his excellency issued a proclamation for the legislature to meet at Fillmore, much against the desire of the members of the legislature, who knew that the accommodations of the little village could afford were not adequate to the needs of the assembly and its attaches; besides, the legislature of 1856 had declared the seat of government removed to Salt Lake City, which they held as valid in law. But since the Governor and the Judges decided to have the assembly meet in Fillmore, even if afterward there must be an adjournment to Salt Lake City, that course was followed.¹ The majority of the assembly, however, "not believing that the decision of the judges and of the Governor was lawful," took the precaution to meet on the 13th of December in Salt Lake City—to which place the legislature had adjourned in 1856. The respective houses organized and then adjourned to meet at Fillmore where a minority of the members (those living in the south of the Territory) met and adjourned from day to day until a majority of the members arrived, which was not until the 18th of December. On that date the two houses met in conjoint session; secretary of the

1. It is said that Governor Cumming arrived at his decision to assemble the legislature at Fillmore "without investigating the law on the subject, or consulting the members of the legislature." (Hist. Brigham Young, Ms., Dec., 1858, pp. 1152-3). This statement is an error, as the Governor seems to have had the matter brought to his attention both by conversation and written communication—wherein the law bearing on the case was brought to his attention—with members of the legislature, and notably with Daniel H. Wells (Hist. of Brigham Young, entry for Oct. 9, 1858, pp. 1004-5; also p. 1078); and still he was of opinion that the legislature should meet at Fillmore. The enabling act provided that the assembly should hold its first session at such time and place in the Territory as the Governor should appoint; and after that the Governor and assembly should locate the seat of Government for the Territory at such place as they may deem eligible, which place, however, shall thereafter be subject to be changed by the said Governor and Legislative assembly." (Organic Act, Sec. 12). Although Fillmore City had been designated as the seat of Government by act of the Governor and legislative assembly, yet by resolution, approved Dec. 15th, 1856, the same authority declared "that the seat of government is removed from Fillmore City to Great Salt Lake City, until otherwise provided by law." ("Acts, Resolutions and Memorials of the Legislative Assembly of Utah," authorized compilation of 1866, ch. 79, p. 106). This would seem to be conclusive as to authorization by law for the legislature to meet at Salt Lake City; and in fact the legislative assembly of 1857-8 had met there; and surely it was as competent for the legislature of 1856 to adjourn the legislature to Salt Lake City as it was for that of 1858 to do the same thing. One is tempted to believe that this *hocus pocus* about the meeting of the legislature at Fillmore, arose from a desire to discredit the proceedings of the previous legislature which had met in Salt Lake City—1857-8—under the authorization of the legislative resolution of 1856.

Territory, Hartnett, presented the message of Governor Cumming which was read and an adjournment taken by resolution to meet in Salt Lake City, on the 27th of December.²

The message of Governor Cumming was an excellent state document. It dealt quite frankly with the recently past difficulties and their adjustment, pointing out that by the acquiescence of the people in the conditions of President Buchanan's pardon all political difficulties between the federal government and the people of Utah were now adjusted. "And I trust," he took occasion to add, "that your future history will attest the sincerity of your professions of devotion to the Constitution and to the law."

He represented that the presence of the army must be felt as a reproach upon the patriotism by every honorable citizen; and yet the army could only be removed by avoiding every semblance of disloyalty, as the public opinion of the country must be satisfied of the loyalty of the people of Utah as a condition precedent to the army's removal. A number of practical suggestions relative to Indian affairs, to manufactures, to building bridges and jails, to revision of previous legislative enactments, to defraying the expenses of Territorial courts, to common schools, etc., etc., closed the document.³

Governor Cumming, as the chief executive of the Territory, made an honest effort at conciliation with the people of Utah on the basis of President Buchanan's pardon of Mormon offenses as accepted by them—pardon for their overt acts in resisting the entrance of the army into Salt Lake Valley, but otherwise

2. See Hist. of Brigham Young, Ms., entries for Dec., 1858, pp. 1096, and 1181; also Letter of John L. Smith, *Id.*, p. 1191; *Deseret News* of Dec. 22, 1858. By the decision of the judges the legislature was compelled to make this journey of about three hundred miles—the round trip—in mid-winter, having to break the road most of the distance through the snow both ways, and this for the accomplishment of no purpose unless it was in the hope of adding "mileage" to the account of the U. S. officials, or discrediting the legislature of 1857-8. Secretary Hartnett was "accompanied by a detachment of U. S. troops—infantry mounted in wagons," says John L. Smith. "An appendage," he adds, "very common for U. S. officials in this Territory. Simply designed to impress the unsophisticated 'Mormons' with a due appreciation of the dignity of federal appointees." (Letter to Stenhouse, date of Dec. 24th. copied into Hist. of Brigham Young, Ms., Dec. entries, p. 1190, *et seq.*). President Young suggested to brethren of the legislature, that they "*try and please the Lord without offending the devil*," which, dauntless, paradoxical as it seems, represented the needs of the hour. (Hist. of Brigham Young, Ms., Dec. 1858, p. 1147).

3. The message complete is published in *Deseret News* of Dec. 22, 1859.

denying the truth of the allegations of the preamble of the proclamation of pardon. Unfortunately the Federal Judges were not united with him in these efforts to establish peace. Chief Justice Eckles in a few months, as we have already seen, returned to the east evidently with the intention and for the purpose of influencing the administration at Washington to further acts of restriction against the Saints, or else to an enlargement of the powers of federal officers in the Territory.⁴

Judge Sinclair in his first charge to the grand jury of his district—which included Salt Lake City—directed them to give special attention to treason and to polygamy, the latter was reported to be quite prevalent in the Territory. The judge did not directly urge the finding of indictments for this latter offense; he conceded that the statutes of the Territory were a blank upon the subject; and that there was “nothing in the acts of congress that touches that question;” but he urged that the grand jury investigate and report upon the extent of the practice, that responsibility might rest where it belonged for its continuance—with the territorial legislature or the national congress. “Let the facts concerning it go to the world,” was his admonition to the jury, “and, according to my reading of the law, your responsibilities and those of this court will be at an end.”⁵

Respecting the crime of treason the judge was more insistent, urging that the treason must be judicially determined and the pardon personally accepted before it was effective. Of the President’s pardon, “although a public fact in the history of the country, this court cannot take judicial cognizance,”⁶ said the judge. With this view, however, Mr. Wilson, the U. S. District Attorney, was not in sympathy, and gave his rea-

4. See Letter tendering banquet to Judge Eckles on the eve of his departure for Washington. *Deseret News* of Oct. 27th, 1858.

5. The Judge’s charge to the grand jury is given *in extenso* in the *Deseret News*, impression of 24th Nov., 1858. Bancroft says “to ask a Mormon grand jury to indict the leading dignitaries of their church for polygamy was, of course, little better than a farce.” (Bancroft’s Utah, p. 539). The Judge’s charge to the jury discloses no such purpose; it was an attempt to call the attention of the grand jury to, and direct the investigation of, a matter of general public import—so expressed by the Judge.

6. Charge to the grand jury, *Ibid*. “In brief,” says Stenhouse, “he [Judge Sinclair] wanted to bring before his court Brigham Young and the leading Mormons to make them admit that they had been guilty of treason, and make them humbly accept from him the President’s Clemency.” (Rocky Mountain Saints, p. 402).

sons at length to the grand jury in open court by permission of the judge. He held that the Peace Commissioners were invested with authority to carry into effect the provisions of the Proclamation—they did so and returned to their homes. The conditions, expressly set forth in the Proclamation were accepted and acquiesced in by the people of Utah, whom they concerned; the Governor of the Territory had officially announced the acceptance of pardon, with the prescribed terms, by the people, on the 14th of June, 1858; and the conditions on which the pardon had been granted had been faithfully adhered to and carried out. For these reasons the District Attorney held “that there are now no acts of sedition, treason, or rebellion against the government of the United States in this Territory;” and therefore he could present no bills to the grand jury against any inhabitant of Utah Territory for such offenses.⁷ There the matter was dropped.

Sinclair’s court also took up the matter of “intimidation” of Judge Stiles’ court by James Ferguson *et al*, in February, 1857. The bills brought against the associates of Ferguson, Hosea Stout and J. C. Little, were dismissed, but Mr. Ferguson was brought to trial. After occupying the time of the court through several weeks, the case went to the jury, which brought in a verdict of “*not guilty*,” and thus the *cause celebre*, which had been widely used to create popular sentiment against the people of Utah, ended.⁸

In the case of Burr *vs* Ferguson, an action growing out of the alleged intimidation case in Judge Stiles’ court in 1857, Brigham Young was served with a summons to appear as a witness at the instance of D. H. Burr, the plaintiff, a gentile lawyer, prosecuting the case for the disbarment of Ferguson. The service of the summons, which took place at the President’s residence, created some uneasiness among his personal friends; and it exhibits the tension of feeling under which the community lived in those trying days when it is recalled that such men

7. The remarks of U. S. District Attorney Wilson are given at length in the *Deseret News* of Dec. 1st, 1858.

8. See *Deseret News* of Jan. 12th, 1859. Editorially the *News* said: “It is a pity that the United States have incurred so much expense for a matter which we have ever deemed to be no cause of action; or, if cause for any action, at least no more than a fine for contempt by Judge Stiles at the time the [intimidating] remarks were made.”

as Heber C. Kimball, D. H. Wells, Orson Hyde, Orson Pratt, Geo. A. Smith, F. D. Richards and John Taylor thought it necessary to arm themselves and accompany their Prophet-leader to the court for his protection.^{8½} The matter seems also to have greatly agitated Governor Cumming, who feared that in view of the treatment accorded to Church leaders before the courts in the past, Brigham Young might refuse to respond to the summons, and thereby bring on a controversy with the courts.⁹ The Governor called at the President's office and proposed to accompany him to the court; and later volunteered to go to the court and inform the Judge that when "Mr. Young was wanted, he himself would introduce him."¹⁰

President Young asked the privilege of remaining in his office—but a short distance from the court—until his evidence was wanted, a request that was readily granted by Judge Sinclair. The case, however, was continued from the 1st until the 3rd of December, at which time President Young, not wishing to ask further favors of the court, and also to show his appreciation of the previous courtesy accorded him, walked into the court room promptly at the hour appointed for the sitting, "that no hindrance of business might be charged to neglect on his part, nor any circumstance occur to cause the judge to regret having extended a highly appreciated courtesy."¹¹ The President was accompanied by Gov. Cumming, his friends previously named and a number of others from his own and the Historian's office. The case was continued from time to time until finally it was taken out of court by the prosecuting wit-

8½. Hist. of Brigham Young, *Ms.*, entry for Dec. 1st, 1858, pp. 116 and 121.

9. "The court is resolved to bring out Brigham Young before it on a subpoena as a witness in the case of Burr, Gov. Cumming felt troubled about it more than anything else, fearing that Brigham Young would not comply." (Hist. of Brigham Young, *Ms.*, entry 29th Dec., p. 1114).

10. Hist. of Brigham Young, *Ms.*, Dec. 1st, 1858, pp. 118-9. Some time before, in conversation with Judges Sinclair and Cradelbaugh, "Governor Cumming said he did not think it good policy to establish forcible measures to get Brigham Young to Court on every frivolous case; and even not at all until the character of the United States Court was better established than heretofore; for you all know damned well," said his Excellency, "that the people have not been very civilly treated in many instances by dignitaries; and during the present excited state of things, I think it would be policy to take pacific measures and not try to disturb the people any more." (Reported by A. O. Smoot, mayor of Salt Lake City, Hist. of Brigham Young, *Ms.*, entry for 29th Dec., pp. 113-4).

11. *Id.*, pp. 1120-21. The summons served on President Young by the court record was an *alias* subpoena, but what official document it was second does not appear, as no other service was attempted upon the required witnesses. *Id.*, p. 1120-1. Also *Deseret News* of Dec. 8th, 1858.

ness, and therefore President Young was not placed on the witness stand.¹²

The acquittal of Mr. Ferguson in the intimidation case was not a white-washing affair by a Mormon jury, as might be supposed, but was a unanimous verdict by a mixed jury. "Gen. Ferguson's defence," writes our chronicle of the times, "has been of a highly scientific character. The jury that acquitted him contained three of our most bitter enemies, and several who do not claim to be citizens of this country, who came here with the army, and who calculate to go away in the spring. *A unanimous verdict from a mixed jury is a denial of the charges* in Mr. Buchanan's proclamation bearing upon the intimidation of the courts and the destruction of their records."¹³

Judges Sinclair and Cradlebaugh each held that the United States District Attorney, and the United States Marshal were the proper officers to function in both the United States and the Territorial courts rather than the Territorial Attorney General and the Territorial Marshal,¹⁴ and this notwithstanding the Territorial law provided that the latter should "execute all orders or processes of the supreme or district court in all cases arising under the laws of the Territory;" and the former should "attend to all legal business on the part of the Territory, before the courts where the Territory is a party; and prosecute individuals accused of crime in the judicial district in which he kept his office, in cases arising under the laws of the Territory." (Territorial district attorneys were to discharge

12. "That I might have been guilty, at the time referred to of contempt," said Mr. Ferguson in addressing the court. "I will not entirely deny. That every lawyer who spoke during that term ought to have been fined, I fully believe. The Judge would have been honored for doing so." (Court record, *Deseret News* of Dec. 8th, 1858). It will be remembered that it has already been noted that Geo. P. Stiles the Judge in whose court the contempt had been shown by Ferguson, and perhaps by others, was a disreputable character, and it was likely that disgust for the man led up to contempt for the Judge. See *ante*, ch. LXXXVII, this History.

13. Hist. of Brigham Young, Ms., entry for 12th January, 1859, p. 105. It was in connection with this case that the charge was made that the U. S. court records were destroyed. In President Buchanan's Proclamation of Pardon the incident is referred to in these words: "Judges have been violently interrupted in the performance of their functions, and the records of the court have been seized, and destroyed or concealed." "*Not guilty*" is the unanimous verdict of a mixed jury.

14. See letter of Seth M. Blair to Senator Sam Houston, date of Jan. 15th, 1858, copied in Hist. of Brigham Young, Ms., entries for Jan., 1858, p. 130. Also court record of Judge Sinclair's court, 3rd district, *Deseret News* of Dec. 1st, 1858; and January 12th, 1859. For Judge Cradlebaugh's ruling see Court record of 2nd District, March 9th, 1859, *Deseret News* of March 16th, 1859.

the same functions in their respective districts).¹⁵ This ruling for the time being, until it could be contested in the courts on appeal, threw the selection of both grand and petit juries and the whole machinery of the courts into the hands of the anti-Mormon party, by which the liberties of Mormons accused of crime were greatly imperiled. Moreover the judge held that the Territory should meet the court expenses of these federal officers when transacting Territorial business,¹⁶ which would make it possible for the U. S. judiciary to prey upon the treasury of the Territory. As an illustration of this very great probability take the first session of Judge Sinclair's court, which ran through a term of one hundred days, of which there were but thirty-eight days when the court was in session; but the fee expenses of the officers, deputy marshals, jurors, grand and petit, witnesses, etc., continued through the term until discharged. It was held that the dilatory tactics of Judge Sinclair by which his court term was prolonged was to provide his retainers, transients, and loafers about the city, with the means of subsistence. "Judge Sinclair," wrote John L. Smith, Chief Clerk of the Territorial legislature, "commenced his court the 4th of October; but not continuing his term of sixty days, according to 'Banvier', he has adjourned from week to week and only sat altogether twenty-three days,¹⁷ averaging about one hour per day. The probable design of this is to feed at the expense of the United States his juries and other officers composed mostly of strangers, who are anxious to

15. This legislation and its history have been already considered at some length. *Ante* Chapter LXXXVII. Judge Cradlebaugh held that the criminal jurisdiction given to the probate courts by the Territorial legislature was invalid. "It seems that the legislature has vested them with criminal jurisdiction to prevent the district court from having anything of the kind to do," said the Judge. . . . We say they [the legislature] have no power to do so. The fact of a person having been brought before that [the probate] court is no bar to his being brought before this [i. e. the district court]; it is no more a bar than it would be if he had been brought before a vigilance committee in California." (See Charge to Grand Jury, March 8th, *Deseret News* of March 16th, 1858.

16. See Blair's letter to United States Senator Sam Houston of Texas. Also *Deseret News* of March 16th, 1859; and Letter of Geo. A. Smith to Col. Kane, date of Jan. 14, 1859, copied in Hist. of Brigham Young, *Ms.*, entry for January, 1859, p. 132, *et seq.*

17. The court sat thirty-eight days altogether, as per former statement in the text, but only twenty-three days up to the time of the date of this letter, 24th Dec., 1858; while court continued until 18th of January following. (See *Deseret News* of Jan. 18th, 1859).

procure the means of subsistence until they can get away."¹⁸

Referring to the probable disastrous effects of these rulings upon the Territorial treasury, Geo. A. Smith, writing to Col. Kane, said:

"The U. S. court in this district closed its first case on the 11th inst. after a session of 38 sitting days, and occupying the time of 100 days. The court is authorized to expend six days of its session, or so much of it as may be necessary, to accomplish U. S. business; but by prolongation, the marshal is enabled to deplete the treasury, and to sustain some of the strangers who are in the country. However correct legal men may regard this course of wasting time, the citizens look upon it as a species of ridiculous loafism.

"It is rumored that the Judge has adjourned court for want of expense money, court expenses will undoubtedly be a very sore item in this Territory, if the Judges and other imported officers make an onslaught on the county treasuries similar to what has been before attempted here by the U. S. Judges on the national treasury. The expenses of one term of Judge Drummond's court here was more than four times the amount of the whole territorial revenue.

"These expenses were contracted under the act authorizing the first six days of the term, or so much of it as might be necessary, to be devoted to the transaction of the U. S. business. With a single exception, the Hon. Z. Snow, all the judges who have been sitting in this Territory, have pursued a similar course, saddling upon the federal treasury claims to the amount of nearly half a million. Rich and proverbially liberal as Uncle Sam is acknowledged to be, he has refused to pay these court

18. Letter of John L. Smith to Stenhouse, date of Dec. 24, 1858, copied into Hist. of Brigham Young, *Ms.*, entries for Dec., 1858, p. 1194. Relative to the whole course of Judge Sinclair, Geo. A. Smith, writing Elder Asa Calkings, President of the European Mission, under date of Dec. 24th, 1858, said: "The court for the Third Judicial District, in this Territory, has been in session since November 1, but has actually sat only twenty-three days, averaging one hour per day, and has done little or no business. The transverse jury has never been sworn. Judge Sinclair has made every effort in his power to rake up all difficulties cancelled by President Buchanan's general amnesty. The Judge has ruled that the U. S. Marshal and his Deputies are the officers of the courts in all Territorial cases, thereby setting aside the sheriffs of all the counties, the territorial attorneys, and other officers. This ruling is in direct violation of the law and of all precedents in any of the Territories of the U. S. for the last sixty years, or since the days of John Adams, at which time the Territory of Kentucky, in the face of similar ruling, was about to rebel against the U. S. Government, and join the Spaniards, but was prevented by the Government conceding the point. Judge Sinclair's decisions abrogate the principle of the Nebraska law, and are a direct infraction of the Constitution of the United States, leaving the people of this Territory in worse than colonial vassalage. The U. S. Supreme Court in Washington will no doubt rectify these matters, but it will take some time and impose considerable expense." (Copied into Hist. Brigham Young, *Ms.*, entries for Dec., 1858, p. 1187-8).

expenses, and the paper certified by the Judges as necessary and reasonable in amount is not worth three per cent. If Judge Sinclair and his drunken clique expect the counties to furnish at the ratio on which the federal funds have been expended since he opened court, they will find themselves drawing upon an empty box.

"In this barren country fees of courts must necessarily be low, and loyal service rendered cannot meet with that ample reward which the old and wealthy states of Pennsylvania, New York, Virginia and Ohio can afford to pay.

"It is very annoying to a community to feel sensible that every act of the court that has jurisdiction over them, is a step towards placing them in an unfavorable position before their fellow countrymen. But while whiskey presides in our judicial halls, we expect the streets will be 'icy,' and the reports unfavorable.

"If the members of the Legislature ever make the attempt to furnish funds for these courts to expend on the ratio on which the U. S. court has been expending in this district for the last four months, every member voting for such an appropriation would be sure to find it his political grave; while his constituents would stand a fair chance of being sold out for taxes."¹⁹

Throughout the course of Judge Sinclair was despicable. He threatened that when his court convened in the ensuing May term, for 1859, he would have three-fourths of the army at Camp Floyd quartered in one of the public squares of Salt Lake City, "ready to carry out his orders;" and in every way manifested a disposition to bring on a collision between the army and the people.²⁰

19. Letter copied into Hist. of Brigham Young, *Ms.*, entries for Jan., 1859, pp. 133-5.

20. "The speculators still seem determined to let no opportunity slip to create a 'muss.' There are strong rumors that Judge Sinclair is about to bring a large detachment of troops to this city to convince the inhabitants that he really is a much more important personage than they have any idea of." (Letter of John Jaques, Assistant Church Historian, to Stenhouse, date of April 22, 1859, copied into Hist. of Brigham Young, *Ms.*, entries for April, pp. 370-1).

A Salt Lake correspondent of the *N. Y. Herald* wrote his paper on the 23rd of April as follows: "In my last letter I informed you of the threat of Judge Sinclair that he would hold court in this city during May, with three-fourths of the army now at Camp Floyd, quartered in Union Square, ready to carry out his orders. The apprehension of a collision which that threat inspired measurably died away in the bosoms of the people generally, and the youthful Judge was beginning to get credit for ideal braggadocia, and his tongue was regarded as having divulged what was in his heart to do, if he only could get the chance; but, alas! the day after the departure of the last mail from here, rumors of his intentions were in circulation at Camp Floyd, which leaves us no reason to doubt that his threat was no idle boast, but is in reality the fixed determination of his heart, to lead to a collision between the citizens and the troops. Of this Governor Cumming is apparently fully con-

Of the judicial procedure of Judge Cradlebaugh, in the second judicial district, I have already spoken, in part, in connection with his attempts to secure indictments against supposed perpetrators of the Mountain Meadows Massacre, and the Parrish or Springville homicides committed within his judicial district.²¹ The effort to bring to the bar of his court the perpetrators of the above named crimes was an act in itself worthy of all commendation, for they were atrocious crimes; it was the judges methods only that are open to criticism. He organized his court on the 8th of March, at Provo. On application to Gen. Johnston a detachment of one hundred soldiers was detailed to attend upon the court, commanded by Captain Heth, the officers being given headquarters in the building used as a court house,—a seminary school building—in a room immediately under the one occupied by the grand jury; while the troops were tented on the seminary block. The Judge conceded that the presence of the troops was an unusual thing, but he regarded their presence as necessary to take care of the prisoners—as he had heard there was no jail at Provo—and to “preserve the peace.”²²

Twelve days later the number of troops was increased by an additional detachment of nine hundred men²² under command of

vinced, as also the other officials outside of the judicial clique. By the departure of the next mail, plans will be better developed, if not even then carried into execution, or at least attempted; and should you then hear of the eagerly-sought-for collision having taken place, it can be witnessed that we have not sought it, but that it is the deep-laid schemes of sutlers, degraded judges, and disappointed officers of our great republican army, for the sake of perishable gold, gratification of personal revenge, and the empty glory of swords to be crimsoned with the blood of fellow-citizens.” (See *New York Herald* of 25th of May, 1859).

21. *Ante* Chapter LXXXVI, this History.

22. *Deseret News* impression of March 30th, 1859.

“Some United States troops are here. Perhaps it is an unusual thing for them to be here. I knew that there were those who were guilty, out by the camp, and also that there were many guilty around here, of numerous offences. I was informed that there was no prison here, and those troops were sent by the commanding General, at my request, to take care of the prisoners now in custody, and not to interfere with any one. They are here to take care of and preserve the peace. If prisoners are brought they will be taken care of, and the whole authority of the troops is to detain those persons in custody that may be taken prisoners, until they are called for by the court, and they have no power beyond that.” (Court Record, 2nd District, Judge's Remarks to the Grand Jury, *Deseret News*, March 16th, 1859).

22. Judge Cradelbaugh remarked: “I wish to call the attention of the public to a letter which I received yesterday from the commanding General. *He has seen cause to send an additional number of troops here (nine hundred)*, and he desires that I shall state to the court that they are not here to interfere with the citizens of the Territory, unless the conduct of the citizens should make it necessary that such interference should take place in self defence. The commands sent over are

Major Paul. Eight companies comprised this second detachment; a company of artillery, and one of cavalry, added to its efficiency. The detachment camped within sight of the court house.²³

This unusual and unnecessary display of military power in civil affairs was vigorously protested by the people of the second judicial district. A respectful but vigorous petition signed by five hundred citizens of Provo was addressed to the Mayor and city council declaring that their "feelings were aggrieved and outraged" by "the appearance of a military force" in their peaceful city, "surrounding the court and investing the halls of justice." The petition further characterized the proceeding as a "high handed outrage, a direct infringement upon the rights of American citizens and a gross violation of their liberties and municipal immunities." They declared Judge Cradlebaugh's statement that there was no jail in Provo to be an error. "It is well known to all our citizens," declared the petitioners, "that we have one, and that the civil officers, both of the city and the county, hold themselves in readiness at all times to secure and take care of prisoners." The petitioners held that the troops could only be present for one of two purposes: either the judge was afraid of his own personal safety, and the troops were there for his protection; or they were there to intimidate the citizens, witnesses, and jurors, and pervert justice. As it was impossible to believe the first suggestion, and the the officers were quartered in a room immediately under that where the grand jury met—"with only a slight ceiling between"—it looked like the purpose of the detachment's presence was intimidation. The Judge's statement that the troops were there "*to take care of the prisoners and to preserve the peace,*" was regarded—the first suggestion, as being "an attack upon the

not sent with a pretence to make an attack upon citieznz, therefore none need entertain those views. The desire of the commanding General is to aid the court in the discharge of its duty, and to bring offenders to justice. The troops come here to be within reaching distance, for the purpose of enforcing the law, and not for the purpose of violating it in any way." (Second Judicial District Court Record, March 21st, *Deseret News* of March 30, 1859).

23. Governor Cumming's Proclamation of 27th March, 1859. *Deseret News* of 30th March, 1859. Judge Black, Attorney General in Buchanan's administration, reviewing and condemning the course of Judge Cradlebaugh and Gen. Johnston, says that "ten companies" in addition to the first, "made their appearance in sight and remained there during the whole term of the court." Senate Ex. Doc., 36th Congress, 1st Sess., No. 32, p. 2.

“fidelity of our civil officers;” and the second, “a direct insult to the inhabitants of this city.” “We therefore,” concluded the petition, “request your honorable body [the Mayor and city council] to order the removal of these troops from our midst.”²⁴

The Mayor and City Council informed the Judge of the petition of the people, and added to their representation the further statement of fact that the presence of the troops had made it exceedingly difficult for the officers of the city to preserve the peace between the unruly portion of citizens and the soldiers—several unpleasant circumstances having already occurred; and the presence of the soldiers stationed around the place of holding the court “savoring of a military interference with the municipal regulations of American citizens,” the city council asked for the immediate removal of the troops beyond the city limits.

The Judge declined to comply with this request, re-affirming the necessity of the presence of the troops to take charge of prisoners, and declared that the troops were a quiet and orderly set of men. He challenged the statement of their annoying or interfering with the citizens. “This I will say, however,” said the Judge, “that as soon as I can dispense with their most useful services I shall do so.”

This brought forth a more vigorous protest from the mayor and city council: the city authorities had been under the necessity of doubling the police force to preserve the peace between indignant citizens and the troops; several soldiers found drunk on the streets had been arrested, and the police, “not wishing to bring a stain on the court by putting them in jail,” had taken them to their quarters and delivered them to their officers; a soldier had interfered with a civil officer when the latter was quelling a street row; other soldiers “had been caught in the act of attempting to break into houses at night,” said the second communication of the city council, “that can be proven by many witnesses.” The army itself was degraded by the service imposed upon it by the court, said the Council—it was unworthy of the gallantry of soldiers “to use them as a county jail—a walking calaboose!” And “all experience has proven that the introduction of soldiers into cities or villages has had a

24. The Petition in *Extenso*, will be found in *Deseret News*, impression of March 30, 1859.

uniform tendency to produce hostile feelings." But most of all the protest was levelled at the usurpation of civil functions by military authority.²⁵ In conclusion the request for the removal of the troop was renewed.

Several other settlements of the judicial district joined with the citizens of Provo in the protest and demand for removal of the troops, but the request was not heeded. Indeed it was after the first protest to the attendance of the troops upon the court was made by the city council of Provo, that the number of troops was increased from one hundred to one thousand; and after the second protest Judge Sinclair continued to employ federal troops to execute the orders of his court.²⁶

Governor Cumming himself was in Provo from the 14th to the 20th of March, and on the latter date wrote a communication to Gen. Johnston reciting the facts connected with the presence of the troops at Provo, expressing the opinion that their presence was unnecessary and asking that the troops be withdrawn from within the walls of the city and to be disposed as

25. No better protest against the usurpation of military power over the civil authority is to be found in our American annals than in the protest of the city council of this obscure town of Provo, in the Territory of Utah.

"Whatever may have been the object of clothing the court with a military escort, it has the most dangerous tendency; it usurps the functions of civil officers—performs the duties the law never designed for the army, and renders null and void the civil officers that have been appointed by law; it presents the judiciary to the people in the light of a military inquisition. The lives and liberties of all persons accused are jeopardized by the examination of witnesses and the action of jurors under the influence of a military intimidation and espionage. . . . Should such an order of things continue, we have reason to fear that the time is not far distant when witnesses will be sworn at the point of the bayonet, and the law executed by the sword. As a beginning, a single corps, highly honored for its discipline, the superior skill and scientific attainments of its officers, is placed out of its constitutional sphere to perform the duties of sheriff, marshal, or jailor, the military power then supersedes the civil, in a limited degree to be sure, but military power seldom retrogrades, and jurors are controlled by them; the court follows in the wake—that bulwark of human liberty—an independent high-minded judiciary, sustained by the people, is thus annihilated. The legislative and executive departments are soon overcome, and the sword of a Julius Caesar puts an end to the whole fabric of liberty." (These petitions, protests and answers will be found in the Court Record of the 2nd Judicial District, *Deseret News*, impression of March 16th, 23rd, and 30th, respectively.

26. "Contrary to all those principles of equity and justice that should characterize a court, it has pleased Judge Cradlebaugh to set aside, in several instances, the civil authorities and, without the least valid reason known to us, to employ federal troops to execute the orders of his court, thereby clearly indicating on his part, so far as we can discern, and utter disregard of the latest expressed views and policy of the Administration concerning Utah, and the views and policy of your Excellency and all good citizens, and a settled purpose, for some cause, to force an angry collision between the citizens and troops, which is well known is not so difficult to accomplish the best ordered town or city in the Union, especially when one class is caused to illegally supplant, taunt, and oppress the other." "(Memorial and Petition to Gov. Cumming, *Deseret News* of March 30th, 1859)."

to "relieve the inhabitants from the influence of a military encampment in their vicinity." This General Johnston declined to do, giving such interpretation of his instructions as warranted his granting a military force for special service in one as well as the other of the co-ordinate branches of the Territorial civil government, that is to say, to the judiciary as well as to the executive branch of such government.²⁷ He justified himself in the present instance in consequence of "the arrest of the Mayor of Provo and the intention to arrest the Bishop of Springville," which was likely to result in some excitement.²⁸

This refusal on the part of Gen. Johnston led Governor Cumming to issue a proclamation reciting the facts involved in the case, and making a solemn protest against the present use of a military force, and also against all future movements of troops incompatible with the instructions given to him by the general government, which instructions he annexed and published in connection with his proclamation.²⁹

Meantime the citizens of Provo drafted a memorial and petition to Governor Cumming, detailing the facts and showing how such a course as that inaugurated by Judge Cradlebaugh and General Johnston, violated every principle and guarantee of the settlement of the late difficulties between the people of Utah and

27. The letters of both the Governor and the General will be found in House Ex. Doc., 36th Cong., 1st sess., No. 78, pp. 18-21.

28. See Letter of Gen. Johnston to Gov. Cumming, of March 22, House Ex. Doc., 36th Cong., 1st Sess., No. 78, p. 20.

Gov. Cumming in a letter to Lewis Cass, Sec. of state, said of this incident: "Persons who had been served with subpoenas as witnesses have been arrested in court as criminals, and committed to the guard-tent. Among the prisoners was the mayor of Provo. His arrest and confinement in a guard-tent created a feeling of indignation among the inhabitants of Provo. He was released the next morning for want of evidence against him. His arrest was probably the reason why Wall [the Mormon sheriff] said he 'did not like to see the mayor treated like a dog,' and that 'it would be necessary to increase the police force to keep the boys in order.' Not the slightest disturbance occurred, however. The above-mentioned remark of Wall is supposed to have induced Captain Heth, who was the officer commanding the detachment at the court house, to make requisition upon General A. S. Johnston for an increase of force, whereupon Major Paul was ordered to march upon Provo with eight companies of infantry, one of artillery, and one of cavalry, who are now encamped in the vicinity of Provo.

"All these military movements have been made without consulting me at all. I believe them to have been made without sufficient cause. There has been no 'opposition,' nor 'any just cause to expect opposition,' on the part of the inhabitants who, so far as my information is concerned, have manifested no disposition to oppose the civil officers in the discharge of their duties." (House Ex. Doc., 36 Con., 1st Sess., No. 78, p. 22).

29. House Ex. Doc., 36th Cong., 1st Sess., No. 78, pp. 23-34. Also the Proclamation was published in *Deseret News* of March 30, 1859.

the national administration, and ended by asking the Governor to fairly and fully report to the proper department in Washington the official proceedings of Judge John Cradlebaugh in the 2nd Judicial district.³⁰

Pending the appeal to the federal administration it is fitting that other procedure of Judge Cradlebaugh's court should be considered. As already stated his determination to ferret out and bring to trial the perpetrations of the Mountain Meadows Massacre and the Springville homicides was a commendable thing in itself, but he proceeded on most unwarrantable grounds, not only in surrounding his court by a military force, but by the assumption that the crimes he would particularly punish were crimes that received community sanction, and that the perpetrators of them were community-protected. He mentioned larcenies committed near Camp Floyd, the Mountain Meadows Massacre, and the Springville homicides, then said: "To allow these things to pass over gives a color as if they were done by authority. The very fact of such a case as that of the Mountain Meadows shows that there was some person high in the estimation of the people, and it was done by that authority; and this case of Parrishes shows the same, and unless you do your duty, such will be the view that will be taken of it. You can know no law but the laws of the United States and the laws you have here. No person can commit crimes and say they are authorized by higher authorities, and if they have any such notions they will have to dispel them."³¹

After two weeks' service the grand jury not proceeding with that promptness in the special cases mentioned in his charge to

30. The Memorial in *Extenso* will be found in *Deseret News*, impression of 30th of March. Also House Ex. Doc., 36th Cong., 1st Sess., No. 78, pp. 14-17.

31. See charge of Judge Cradlebaugh to Grand Jury, published in *Deseret News* of March 16th, 1859. "Judge Cradlebaugh's address," remarks H. H. Bancroft, "was ill advised. The 'higher authorities' of which he spoke could only mean the authorities of the Church, or in other words of the First Presidency; and to condemn and threaten to impeach that authority before a Mormon Grand Jury was a gross judicial blunder. Though there may have been cause of suspicion, there was no fair color of testimony, and there is none yet [1890, date of Bancroft's work] that Brigham or his associates were implicated in the Massacre (Hist. Utah, p. 560). And to the natural reluctance that a 'Mormon grand jury' would have to proceed against religious leaders whom they knew personally, with whom they had crossed the plains and the mountains in a great pioneering journey, the further fact might be added, that bringing them before Judge Cradlebaugh's court, was bringing them, under all the circumstances, into a military encampment where there would have been slight opportunity of a fair and impartial hearing of the cause."

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them at the opening of the court session, Judge Cradlebaugh summoned them into court, and summarily dismissed them "as an evidently useless appendage of a court of justice."³² The grand jury resented this impeachment of their integrity as officers of the court, in the following manly protest:

"We, the undersigned, having been lawfully summoned as grand jurors for the Second Judicial District of the Territory of Utah; and having been summarily and insultingly discharged by the Hon. John Cradlebaugh, U. S. Associate Justice for said Territory, while in the faithful and diligent performance of our duties as a sworn inquest, do hereby enter our solemn protest against the language and conduct of the aforesaid Judge Cradlebaugh addressed and used towards us at the time of our discharge.

"We were surrounded in our deliberation in our jury room by a detachment of the army; and army officers' quarters within hearing of the evidence of witnesses while being examined by us.

"We presented indictments for offences against the laws of the United States. Our indictments were treated with contempt, and the prisoners indicted have been liberated without trial. Witnesses subpoenaed to be examined by us have been treacherously arrested, and thus have been deprived by their evidence.

"Notwithstanding being thus trammelled by the court we have honored our oath and were endeavoring to faithfully discharge our duties when we were dismissed by his honor, with a slanderous and insulting harrangue.

Provo City, Utah county,
Territory of Utah,
March 22, 1859,
John Riggs, Foreman,
In behalf of the Grand Jury."^{32½}

32. See Ante ch. LXXXVI, note 46.

32½. (*Deseret News* of 30th March, 1859). It is also said that Judge Cradlebaugh further insulted the Grand Jury when discharging them by saying, "You are the tools, the dupes, the instruments of a tyrannical church despotism. The heads of your church order and direct you. You are taught to obey their orders and commit these horrid murders. Deprived of your liberty, you have lost your manhood, and become the willing instruments of bad men. I say it to you, it will be my earnest effort, while with you, to knock off your ecclesiastical shackles and set you free." (See Stenhouse, Tullidge, *et. al.*). The remarks though said to be directed to the grand jury do not appear in the published harrangue of the judge to the grand jury as corrected and revised by him. See copy of his remarks as revised *Deseret News* of March 30th, 1859, p. 26. Commenting on the speech of Judge Cradlebaugh when dismissing the grand jury, the *New York Herald* of May 7th said: "His address in discharging them is one of the most extraordinary judicial speeches which can be furnished from the records of any court in the civilized or semi-civilized world. . . . In this vindictive and most undignified speech he has

At the time of dismissing the grand jury Judge Cradlebaugh also said:

"When this people [i. e. the Mormon people] come to their reason, and manifest a disposition to punish their own high offenders, it will be time to enforce the law also for their protection. If this court cannot bring you to a proper sense of your duty, it can at least turn the savages in custody loose upon you."

The savages referred to were two Indians on trial before the court for rape and attempted rape. Their names were Pangunts, commonly known as "Moze;" and Namowah, commonly called "Looking Glass." Their crime, and there was little doubt of their guilt, was a peculiarly revolting one, since the assault was made upon a mother and her daughter at the Indian farm near Springville. The latter was a child of ten, and in her case the crime was attended by cruel lacerations which, with the accompanying brutality, caused her life to be despaired of for a long time.³³

Yet the Judge, true to this threat, turned the parties arrested for this crime loose upon the community, saying to them when dismissing them:

"Crime should be prosecuted, ordinarily, but in looking at the constitutional rights guaranteed to you, the grand jury having adjourned [the grand jury had been summarily dismissed by the court before completing its business] the court feels it its duty to discharge you."

"With regard to these Indian prisoners," said his honor, later, "they will be kept in the care of the military authorities until they get to Camp Floyd, when they will be finally discharged."³⁴

clearly shown himself unfitted for the position he occupies." On the same subject the *Philadelphia Ledger* said: "From the specimen he [Cradlebaugh] gave of his temper and fractious feeling, he evidently is an unfit person to preside over a court of justice and we do not wonder that the grand jury refused to find any bills.

... Judges who act so indiscreetly and preversely in authority should be recalled." (Quoted in the *Deseret News* of June 1st, 1859). The *New York Tribune* was also pronounced in its condemnation of the Utah judges. See the *Tribune* excerpt copied in *Deseret News* of May 25th, 1859.

33. Letter of Geo. A. Smith, Church Historian to Stenhouse, date of March 30th. Hist. Brigham Young, *Ms.*, entries for March, 1859. To make the arrest of these two Indians it became necessary to resort to a military posse; "and an Indian, not one of those charged with the offense, was unfortunately killed." Governor Cumming's Message, *Deseret News* of Dec. 22, 1859.

34. *Deseret News* of March 30, 1859, p. 32.

Concerning this whole procedure of summarily dismissing the grand jury, U. S. Attorney for Utah, Mr. Wilson, in his report to President Buchanan, said:

“During the session of the grand jury and the sitting of the court I endeavored to investigate and prosecute all the cases which came to my knowledge, ordering subpoenas for witnesses whenever, either before the grand jury or the court, persons were mentioned by the witnesses as being likely to know anything about the cases under examination. But the session of the grand jury and the sitting of the court were too short to make a complete examination of all the cases. Had the grand jury been permitted to remain longer in session, and had the court remained in session until the business was finished, I might have been enabled to have brought the guilty parties, or some of them, to justice. But the opposition of the people to the military at the court-house, in a quiet village, in a time of peace, rendered it impossible to get witnesses, the Mormon people saying that the really guilty parties were not so much wanted as a chance to get at the Church authorities, and bring about a collision in the Territory.”³⁵

And concerning the Mountain Meadows Massacre, and the probable success attending upon a proper and legal method of handling it the U. S. attorney said:

“In my judgment, the best and the only practical way of thoroughly and successfully investigating and trying this case, would be for a court to be held as near the scene of the massacre as possible; and for this purpose an ample fund should be provided, such as would be fully sufficient to enable the officers of the court to make a patient and thorough search for evidence, and for the arrest of the guilty parties, and to bear the expenses of witnesses, and all the necessary contingencies which might attend the court, during any length of time that might be required for a complete finishing of the case. That this horrible massacre, through such means and a patient investigation, can be brought to light, and the guilty parties punished, I have a faith as firm as in the eternal justice of Providence.”³⁶

35. Senate Ex. Doc., 36 Cong., 1st Sess., No. 32, p. 37. Mr. Wilson made his report to the President, instead of to the Attorney General, because he had been assailed before the Chief Executive by two Associate Justices, Sinclair and Cradlebaugh. See Document cited at the beginning of this note.

36. *Ibid*, p. 29.

After the dismissal of both the petit and the grand jury, Judge Cradlebaugh issued bench warrants from hearings had in his chambers against parties suspected of crime; and indeed while the grand jury was still in session witnesses who had been summoned before it were arrested on warrants issued by the Judge in chambers, and this without the knowledge of the district attorney or the clerk of the court.³⁷

The judge also sat in chambers as a committing magistrate, examined and bound over for future trial, A. F. Donald, Hamilton H. Kerns, John Daley, Alfred Nethercott, Abraham Durfee and Joseph Bartholomew, as the perpetrators of the Springville homicides. The judge admitted witnesses for the defense and arguments both for the prosecution and defense; and he himself gave an exhaustive review of the case. All the parties were committed without bail and given in charge of the Territorial Marshal; but later John Daley was admitted to bail in the sum of \$1,000, to appear as a witness on the trial of the other defendants.³⁸

Respecting these Springville homicides there has existed a persistent belief among anti-Mormons writers that they represented cases of "blood atonement," or "killings ordered by Church authorities."³⁹ Such evidence as is cited in the case is purely circumstantial, or rests upon the testimony of very questionable characters, who themselves were implicated in the murders. On the other hand, the commonly accepted view of the Mormon community was doubtless voiced by the editor of the *Deseret News*—Judge Elias Smith, a man of strong intelligence and of most excellent character, who, when commenting on Judge Cradlebaugh's review of the case in chambers, said:—

37. These parties were A. F. McDonald and Hamilton H. Kerns, charged with complicity in the Springville homicides. They were arrested by Marshal P. K. Dotson just on the eve of going before the grand jury on this case, and are the parties referred to in the protest of the grand jury above, of whose evidence said jury was deprived because of their arrest. (See Court Record in *Deseret News*, 30th March, 1859, p. 19).

38. Report of the U. S. Attorney for the Territory of Utah, Alex. Wilson, Nov. 15, 1859. Senate Ex. Doc., 36th Cong., 1st Sess., No. 32, p. 28. Also *Deseret News* of April the 6th, 1859.

39. See Linn's Story of the Mormons, pp. 448-50. "This particular case," says Stenhouse, "is probably the best illustration of how men are 'killed to save them.'" "Rocky Mountain Saints," Chapter XLIV, where the case is treated at length, including the alleged confessions of some who were implicated in the assassinations or were accessories before the fact.

"We have carefully examined all the evidence furnished by a remarkably accurate stenographic reporter, and can only conclude that 'evidence before the court goes to show' that *Durfee*, *Potter* and two of the Parrishes got into a row about matters best, if not only, known to themselves, and for that Potter and two Parrishes were killed."⁴⁰

Having disposed of the Springville cases the court of the second judicial district adjourned, but not before Judge Cradlebaugh made a spiteful entry on the record which accused the whole community, as well men holding civil authority under the Territorial government as the Mormon Church leaders, of being in a conspiracy to obstruct the cause of public justice, and to cripple the earnest efforts of his court.⁴¹ The adjournment of

40. *Deseret News* of April 6th, 1859.

41. His signed statement certified by Lucius N. Scovil, clerk of the court, will be found in *Deseret News* of April 6th, p. 40. By reference to the "civil authorities" he could only have reference to Gov. Cumming and U. S. Attorney for Utah, Mr. Alex. Wilson. The most charitable view to take of Judge Cradlebaugh and his course is to charge it, as Church Historian Geo. A. Smith does, to insanity. "The Judge has but one eye, and it occasionally manifests signs of insanity. In every address to the juries, he has made an attack on the religion of the Mormons; and it will be doubted whether his *Mormomania* is not the result of his hatred to the Mormon enthusiasm; it does not seem possible that a judge, entirely sane, would turn such desperadoes as 'Moze' and 'Lookingglass' loose to prey on the community, were not this the case. The effects of this military despotism has already reached the extreme that has caused hundreds in Utah county to leave their homes, and it is not at all probable that they will return while this reign of terror exists. By the Governor's proclamation, we are given to understand that this whole matter has been brought to pass without his knowledge, and in violation of his instructions. Angry feelings exist in the breasts of many of the officers of the army, who burn for revenge upon the people for their detention in the mountains in the winter of 1857." (Letter to Stenhouse, copied in Hist. Brigham Young, entries for March, 1859, pp. 297-8).

The theory of the Judge's *dementia*, receives support from the manner in which he acted on entering the Territory. He called at the home of "Eph Hanks" in the Mountains east of Salt Lake City on the 3rd of November. The previous night he had spent on Big Mountain, where he had frozen all his fingers. He was accompanied by a woman who claimed to be a Mormon, and a man acting as his teamster. From the Hanks ranch the judge sent on his carriage and the woman to Salt Lake City, while he himself remained with Hanks who treated his fingers for frost bite. "The judge has the appearance of being an ox driver," says Hanks in his narrative of the judge's visit to his ranch, "and was very roughly dressed." The following morning Judge Cradlebaugh started for town. "I started a short time after him," says Hanks, "and met Gen. Burr [Surveyor General for Utah Territory] and his son in a carriage. They asked me if Judge Cradlebaugh had stopped with me over night? I told them he had, and that he had started for town on foot this morning. They said they had come to meet him, but had seen nothing of him. I told them he must have taken the other road. They went on and took the other road. I rode on and overtook the judge riding on a load of wood. I told him that the carriage he had just met contained Gen. Burr and his son, who had come out to meet him. He replied, "I do not want any of those airs, I have come here to do my duty." As we got to the mouth of the canon we saw the carriage returning, he told the driver of the load of wood, to drive like fury and keep

the court and the retirement of its military attachment with the prisoners was quite spectacular, and is thus described in the *Deseret News* of that period:

"Immediately upon the adjournment of the court and simultaneous therewith, the troops under command of Capt. Heth commenced their march from the Seminary lot and stationed themselves in the main street. At this juncture 16 platoons of infantry, averaging from 25 to 30 in each platoon, one company of cavalry and a detachment of artillery, with two brass pieces, entered the city by the north gateway, commanded by Major Paul. They proceeded down the main street, their martial band playing the tune that goes to the well known song, 'Doo Dah.' At a point about 3 blocks south of the Seminary, they wheeled and commence their return march, the band playing, 'The Girl I Left Behind Me.' When 8 platoons of infantry had past the court house, a halt was called, and Capt. Heth's company, with the prisoners, were marched into the centre of Major Paul's command, and the grand military denouement was consummated by the whole force taking up its line of march for Camp Floyd."⁴²

"After the close of the court at Provo," says John Jaques, assistant Church Historian, in a letter to Stenhouse, "the prisoners were escorted by the military to Camp Floyd, and there incarcerated in small cells. On approaching the camp, several hundred of soldiers, camp followers, gamblers, etc., met the prisoners and escort with a rush, and clamoured loudly against the prisoners, with cries of 'hang them,' 'lynch them,' etc. Capt. Heth, commander of the escort, ordered the mob back and forced a way through. Money was very scarce and consequently the inspiring spirit of whiskey was not generally diffused or it is probable that the prisoners would have fallen a prey to the mob."⁴³ McDonald, one of the prisoners, politely doffed his hat and mockingly said to Captain Heth "*that he supposed this was an introduction to civilization.*"

out of the way of that carriage. When we got to town, he jumped from off the wood and walked among the houses. I gave him an invitation to go home with me and take supper, which he accepted. I then took him to Marshal Dotson's." (Hist. of Brigham Young, *Ms.*, November entries, 1858—1866-7).

42. *Deseret News* of April 6th, 1859, p. 36.

43. Jacques' letter is dated April 22nd. It is copied into Hist. Brigham Young, *Ms.*, entry 22nd of April, pp. 370—see also p. 374.

44. Hist. of Brigham Young, *Ms.*, entry of April 19, 1859, p. 361.

Both parties to the controversies that had now arisen between the Federal Judges on the one hand and Governor Cumming and U. S. Attorney Wilson on the other, promptly appealed to the proper departments of the federal administration, Judges Sinclair and Cradlebaugh in a conjoint letter from Camp Floyd to President Buchanan, under date of April 7th, detailing their views of the recent happenings in the Territory.⁴⁵ U. S. Attorney Wilson, by letters under date of March 28th, and April 8th, to Attorney General Jeremiah S. Black; and Governor Cumming in several communications to Hon. Lewis Cass, Secretary of State, under dates of 25th, 27th, and 31st of March, with many inclosures, citizens' petitions, memorials; correspondence with Gen. Johnston, Judge Cradlebaugh and his own Proclamation and Protest. The conclusion of the whole matter was that the Executive and the people of the Territory were sustained all down the line in their contentions and petitions, as against the U. S. Judges and the military.

In his letter to Judges Cradlebaugh and Sinclair, Attorney General Black, under date of May 17th, cuttingly said:

"The condition of things in Utah made it extremely desirable that the judges appointed for that Territory should confine themselves strictly within their own official sphere. The government had a district attorney, who was charged with the duties of a public accuser, and a marshal, who was responsible for the arrest and safe-keeping of criminals. For the judges, there was nothing left except to hear patiently, according to the evidence adduced on both sides. It did not seem either right or necessary to instruct you that these were to be the limits of your interference with the public affairs of the Territory, for the executive never dictates to the judicial department. The President is responsible only for the appointment of proper men. You were selected from a very large number of other persons, who were willing to be employed on the same service, and the choice was grounded solely on your high character for learning, sound judgment, and integrity. It was natural, therefore, that the President should look upon the proceedings at Provo with a sincere desire to find you in all things blameless."

The Attorney General admitted that it might be true that pub-

45. Senate Ex. Doc., 36th Cong., 1st Sess., No. 32, p. 5-9.

lic opinion in Utah would be opposed to the conviction of parties who deserved punishment, but even if that were true, "every inhabitant in Utah must still be proceeded against in the regular, legal and constitutional way." Then came Judge Black's findings:

"On the whole, the President is very decidedly of opinion:

1. That the governor of the Territory alone has power to issue a requisition upon the commanding general for the whole or a part of the army.

2. That there was no apparent occasion for the presence of the troops at Provo.

3. That if a rescue of the prisoners in custody had been attempted, it was the duty of the marshal, and not of the judges, to summon the force which might be necessary to prevent it.

4. That the troops ought not to have been sent to Provo without the concurrence of the governor, nor kept there against his remonstrance.

5. That the disregard of these principles, and rules of action has been, in many ways, extremely unfortunate.⁴⁶

To the U. S. Attorney for the Territory, the Attorney General on the same date wrote:

"On Proper occasions, and in a proper and respectful manner, you must oppose every effort which any judge may make to usurp your functions. Do not allow your rights to remain unasserted. If the judges will confine themselves to the simple and plain duty imposed upon them by law of hearing and deciding the cases that are brought before them, I am sure that the business of the Territory will get along very well. This must be impressed upon their minds, if possible; for if they will insist upon doing the duties of prosecuting attorney and marshal as well as their own, everything will be thrown into confusion and the peace of the Territory may be destroyed at any moment. * * * Your conduct at Provo seems, from all accounts of it, to have been perfectly proper, and is fully approved by the President. Your refusal on a former occasion to violate the promise of pardon contained in the President's proclamation was equally praiseworthy and correct."⁴⁷

In answer to Governor Cumming's request that the discrep-

46. Senate Ex. Doc., 36th Cong., 1st Sess., No. 32, pp. 2 and 4.

47. *Ibid* p. 9, 10.

ency which existed between the instructions given to the civil and military departments in Utah might be removed "by some further action on the part of government;" and that all requisitions for troops be made by or through the governor of the Territory, in order to avoid the confusion which will always arise from the pursuance of a difference policy the secretary of state under date of May 2nd, answered:

"I am instructed to inform you that orders have been issued from the War Department which will remove any such discrepancy between the civil and military departments of the government as that to which you refer; * * * and it is earnestly hoped that the harmony will not again be interrupted."⁴⁸

To General Johnston, the Secretary of War, John B. Floyd, under date of May 6th, wrote:

"Peace being now restored to the Territory, the judicial administration of the laws will require no help from the army under your command. If the services of the United State troops should be needed, under any circumstances, it could only be to assist the executive authority in executing the sentence of law or the judicial decrees of the court. And that necessity could only arise when the services of a civil posse were found to be insufficient. You will therefore only order the troops under your command to assist as a *posse comitatus* in the execution of the laws upon the written application of the governor of the Territory, and not otherwise."⁴⁹

These several instructions and orders from the federal administration, put a stop to the wild judicial career of the federal judges of the period, one of whom, judge Cradlebaugh, with a strong, and somewhat heterogeneous military detachment⁵⁰ was fast creating a reign of terror in the south part of the Terri-

48. House Ex. Doc., 36 Cong., 1st Sess., No. 78, p. 24.

49. House Ex. Doc., 36 Cong., 1st Sess., No. 78, p. 31.

50. The command comprised "two companies of infantry, one hundred dragoons, and one hundred discharged teamsters, amounting to three hundred men." Affidavit of Jacob Hamblin before Judge Elias Smith, 3rd, June, 1859. Not satisfied with this military force Judge Cradlebaugh in his encampment on the Santa Clara, sought to employ through Hamblin, the Indian interpreter, a force of Indians to capture John D. Lee. See Hamblin's affidavit, in Hist. of Brigham Young, *Ms.*, entry for June, 1859, pp. 471-2.

tory. But when the officer commanding the detachment of troops accompanying the judge received orders from General Johnston to return to Camp Floyd, since hereafter the troops were to be used in connection with the civil affairs of the Territory only in the "execution of the sentences of the law, or the judicial decrees of the court, *and then only on the written application of the governor*," the zeal of the judge was cooled; he returned with the troops to Camp Floyd, and soon afterwards, as explained elsewhere,⁵¹ he brought his judicial career in Utah to a close.

Another event in Mormon community life proper to mention here, and with which Col. Kane's name is at least distantly associated, was the election of Capt. William H. Hooper in the fall of 1859, to succeed, as Utah's delegate to congress, Dr. John M. Bernhisel, who had served from the organization of the Territory until succeeded by Captain Hooper. It was doubtless as much the desire of the Doctor to be relieved from a difficult post as it was for his constituents to seek a new representative, that led to the change, since the Doctor's services, though rendered in a quiet, unobtrusive way were nevertheless satisfactory, and doubtless quite as effective as a more aggressive course would have been.⁵²

President Young, however, in 1854, had written to Col. Thomas L. Kane "offering him the appointment of delegate from Utah Territory," and invited him, meanwhile, to aid Dr. Bernhisel. At the same time the President also wrote Bernhisel of his tender to Col. Kane of the post of delegate, and advised him to counsel with the Colonel.⁵³ Nothing came of the proposal, as doubtless the Colonel was not willing to have the purely disinterested service he had hitherto rendered the Latter-day Saints marred by the acceptance of a position that would have the appearance of a political reward; and certainly his holding no official position—the gift of the people of Utah—rendered him all the more serviceable in the "Utah War" issue,

51. *Ante*, chapter LXXXVI, this History.

52. See *Deseret News* of 6th of July, 1859.

53. See Hist. of Brigham Young, 1854, p. 97; also Letter folio 722, and 734.

and after that in supporting the policy and retaining in office, Governor Cumming.

Horace S. Eldridge had been first nominated for the position of delegate, but owing to his absence from the Territory at the time of his nomination, and the likelihood of his not returning before the day of election becoming apparent, his name was withdrawn, and Captain Hooper was placed in nomination and elected by nearly a unanimous vote.⁵⁴

54. See *Deseret News* of July 6th, 1860; and July 27th, 1859.

The *Baltimore Republican*, commenting on Mr. Hooper's election, gave the following biographical and character sketch of him, after his arrival at the capital from Utah.

"By what would seem to be a singular coincidence, three of the present delegates in Congress from the Territories are native-born Marylanders. Among them we recognize a native of this State, in Hon. William H. Hooper, representing the Territory of Utah, as the successor of Dr. Bernhisel. . . . Mr. Hooper is a man of superior intelligence and energy and activity, fine manners and address, and who in his frank and open intercourse will do much—whatever may be the faults of his people—to remove those prejudices which—whether rational or not—have hitherto prevailed against the Mormon people.

"There is something singularly interesting in the history of this gentleman and his connection with that peculiar people whom he now represents in the councils of the nation. He was born in Dorchester county, on the eastern shore of our State [Maryland] at the old home of his family called Warwick Manor, and is a son of Henry Hooper, and a grandson of James Price. Residing for a few years in this city, employed in a mercantile house, at the age of 21 he removed in 1835 to Galena, Illinois, and engaging largely in commercial business, and soon accumulated a fortune. In the crash of 1837, by the collapse of one of the banks in that State, his house, then one of the largest in the West, became involved, winding up by the ultimate payments, however, of every dollar of liabilities. He then turned his attention to steamboating from St. Louis on the Mississippi, [in the capacity of a captain on the steamers he navigated—hence the title which clung to him through life], and soon acquired again a liberal fortune, which was swept from him by the great fire in that city in 1859. Added to this misfortune soon came a bereavement in the death of his wife, and following this a total prostration of his own health. He was pronounced beyond hope of recovery by his physicians, and advised as a last resort to cross the plains to California, a milder climate. Broken down and dejected, he reached Salt Lake City, unable to move farther. In this condition he was kindly ministered to by the gentle care of the people of Salt Lake, and in time was restored to health. He then resolved to remain among those who had thus established a claim upon his gratitude; entered anew into mercantile business; acquired a liberal fortune, and married a lady who is his present companion. By nearly an unanimous vote he was last year chosen as representative of the Territory in Congress, and by his gentlemanly bearing, unexceptionable character, and superior intelligence has already established himself in the confidence and respect of the people at the seat of Government." (*Baltimore Republican*, copied into *Deseret News* of 8th Feb., 1859).

Historic Views and Reviews

LOSSING PAPERS SOLD

STUYVESANT DOCUMENT BRINGS \$185; EARLY CARICATURE, \$140

A fine document, signed by Peter Stuyvesant, last Dutch Governor of the New Netherlands, dated Fort Amsterdam, May 20, 1664, and framed in the wood of the famous Stuyvesant pear tree, was bought for \$185 by Dodd & Livingston at yesterday's sale by the Anderson Auction Company of the fifth part of the library of the late Benson J. Lossing, historian. It is a grant of land at Canarsie, L. I., to Goovert Loeckerman, one of the leading merchants of New Amsterdam and a large trader with the Indians.

F. Hausman gave \$140 for a rare caricature etching, "The Present State of Our Country," by William Charles, an English engraver, who came to this country about 1804 and introduced the political caricature so common in France and Great Britain at that time. It represents two figures—Federalism and Democracy—pulling down columns supporting Liberty, Independence, etc. In the upper right corner a bust portrait of George Washington, rising from clouds, warns them against the destruction of the Union. Only one other copy is known. It is in a private New York collection, and was obtained some six years ago at a sale in Philadelphia for \$67.50 by Robert Fridenberg, who was the underbidder on the specimen sold yesterday.

The Orderly Book of Lieut. Col. Henry Beekman Livingston, an interesting Revolutionary item, containing copies of letters from George Washington, Alexander Hamilton, John Hancock, and others, was knocked down to Dodd & Livingston for \$72. A letter of Washington, written in the third person, brought \$45. An abstract of the Stamp Duty Act, a tiny pamphlet of thirty-six

pages, printed by Hugh Gaine in this city, about 1764, went to Dodd & Livingston for \$35. The exceedingly rare Bourne view of New York City, showing St. John's Church in Varick street and Christ Church in Anthony street, was bought by Robert Fridenberg for \$51. Dodd & Livingston paid \$87.50 for six civil war letters of the celebrated Confederate General, Leonidas Polk. Mr. Fridenberg gave \$81 for The Royal American Magazine for March, 1775, printed in Boston, and with frontispiece engraved by Paul Revere, entitled "America in Distress."

B. M. Baruch gave \$21 each for a tea-tax caricature entitled "Liberty Triumphant" and a war of 1812 caricature entitled "Admiral Cockburn Burning and Plundering Havre de Grace." A Letter Book containing copies of the correspondence between Gen. Felix K. Zollicoffer and other Confederate officers went to Dodd & Livingston for \$23. Gen. Abner Doubleday's manuscript account of the battle of Gettysburg was bought by E. Scott for \$31.



ERRATA

October, 1913, page 899 line 11 from top for (Family Visitor of Milwaukee, Wisconsin, in issue of June 3, 1867), read Family Visitor of Cleveland and Hudson, Ohio, in the issue of June 3, 1851, and in line 15 for (Dr. J. A. Lapham) read Dr. I. A. Lapham.

AMERICAN BIOGRAPHY

A NEW CYCLOPEDIA

JOHN HOWARD BROWN, Editor-in-Chief, assisted by a notable Board of Advisory Editors, comprising forty-five men of national reputation whose names will be an ample earnest of the character of the work, no name being admitted to a place without their approval.

PUBLISHER'S ANNOUNCEMENT

ONLY three comparatively exhaustive collections of American Biography have appeared in this country. One published in six volumes and including over 10,000 names was begun in 1886; one the publication of which began in 1892 and was completed in 13 volumes; and one of 7 volumes issued 1896-1903. Of these works, Mr. Brown, our present editor-in-chief, was a contributor to the first; managing editor of the first five volumes of the second; and editor-in-chief and literary director of the third. These three works are to be found in all the large reference libraries in the United States.

The American Historical Society has selected Mr. Brown to act as editor-in-chief of an entirely new work, "American Biography: A New Cyclopaedia," to be issued in ten volumes, based on none of its predecessors, but necessarily having all the desirable features that are prominent in each. The new work will give special prominence to names not to be found in any previous work, but names as justly entitled to prominence as the 15,000 recorded in its predecessors. Ten thousand of these lives are closed and the dates of their deaths recorded. Their reputation as nation builders is secured, and their places in history is already well defined. If this work delves in the past, it will be only to rescue from oblivion in order to enrich future history and give new names that will prove both interesting and edifying to the present generation, names of men and women who have done equally good work but whose environments or modesty forbade publicity at the time their work was accomplished. They are known only in limited circles, but their memory is cherished by admiring descendants, and the record of their lives and work, unknown except to the custodians of family manuscript, is unavailable to the general historian. The bulk of this new work, however, will be the records of men and women who have done their work and won a place in history during the last two decades; the completing of records of unfinished lives, and the introduction of men and women whose work began since the opening of the twentieth century. The older biographical works will furnish all the sketches that could not be improved by revision. The libraries contain copies of these works, available to the student of biography and history. The new work will stand unique as unencumbered by stereotyped sketches made familiar by constant repetition and known almost by rote by every schoolboy; and placed in their stead will be the records of new men and women who have won by their work a place of equal prominence.

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